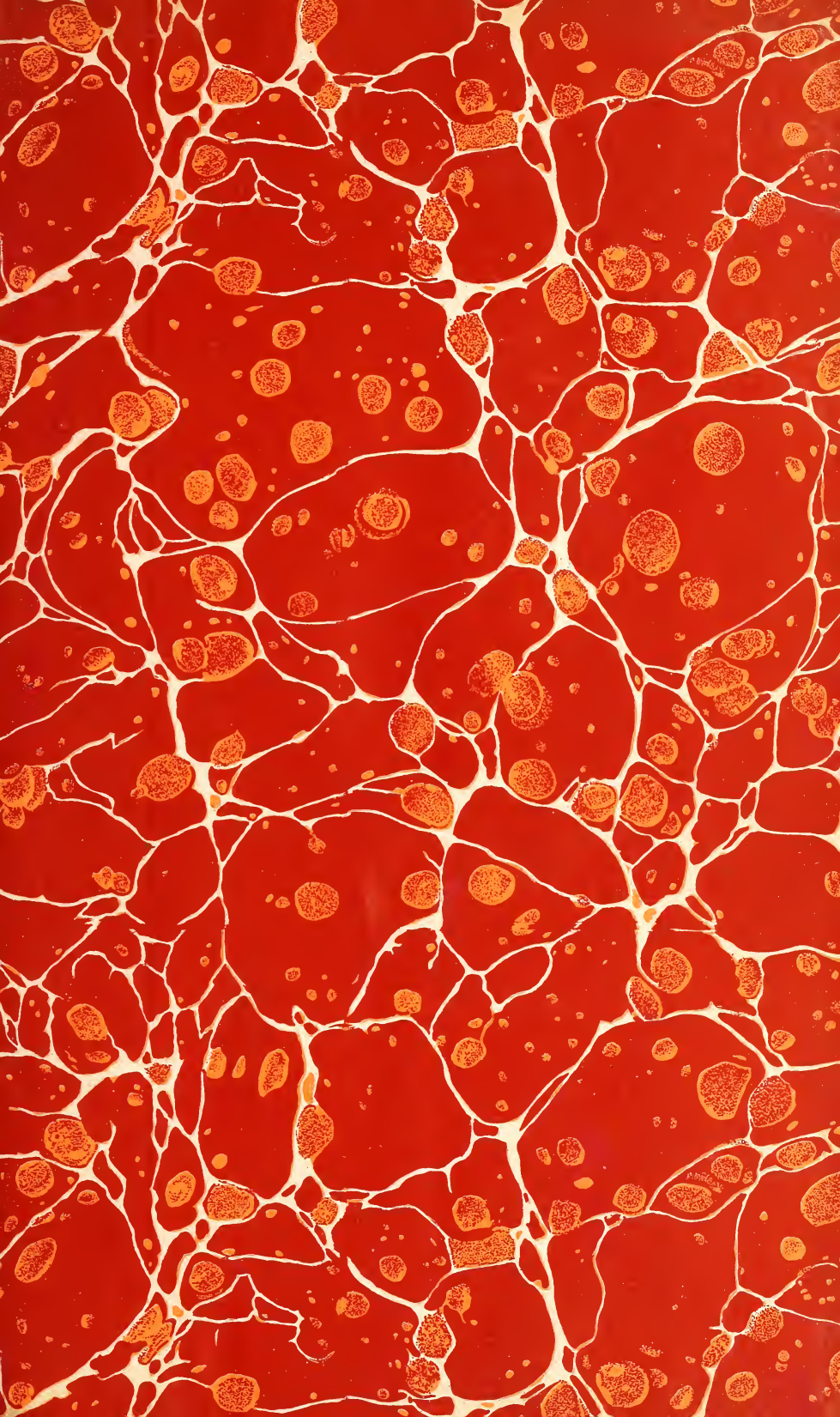

N. J., F. D. 25001–25025 287145 Issued June 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25001–25025

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 17, 1936]

25001. Adulteration of dressed poultry. U. S. v. Swift & Co. Plea of guilty. Fine, $50. (F. & D. no. 35940. Sample no. 16953–B.)

Samples of dressed poultry taken from the shipment involved in this case were found to be diseased.

On September 18, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, Chicago, Ill., alleging that on or about February 21, 1935, the defendant company shipped from Omaha, Nebr., to itself at Chicago, Ill., a quantity of dressed poultry; that the defendant company sold the said poultry to a purchaser at Chicago, Ill., under a guaranty that it complied with the Federal Food and Drugs Act; that the product was subsequently resold and was shipped, on or about February 28, 1935, from Chicago, Ill., to New York, N. Y., where it was sampled, and that it was adulterated in violation of the Food and Drugs Act. The product was contained in barrels marked or stamped: "West Fullerton Chicago * * * Class B 21 H D Class C 23 H D * * * Cold Storage Swift and Company, Nebr."

The information alleged that the product was adulterated when shipped from Omaha, Nebr., to Chicago, Ill., in that it was the product of a diseased animal; that is, a number of the birds were diseased, showing, among other things, generalized tuberculosis and tumors.

On October 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25002. Adulteration of shrimp. U. S. v. 1 Box, et al., of Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 35550, 35628, 35629. Sample nos. 29064–B, 29065–B, 29066–B.)

These cases involved shipments of shrimp which was in part decomposed.

On May 6 and May 9, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 boxes and 90 pounds of shrimp at Boston, Mass., consigned about May 4, May 7, and May 8, 1935, alleging that the article had been shipped in interstate commerce by Chesebro Bros. & Robbins, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 1, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25003. Adulteration of huckleberries. U. S. v. 67 Crates of Huckleberries. Consent decree of condemnation and destruction. (F. & D. no. 36289. Sample no. 23770–B.)

This case involved a shipment of huckleberries which contained excessive numbers of maggots.

On August 15, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 67 crates of huckleberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1935, by Grossinger Bros., from Eynon, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 28, 1935, Grossinger Bros. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25004. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36218. Sample no. 42734–B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 30, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1935, by H. J. Dougherty, from Tuscarora, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25005. Adulteration of huckleberries. U. S. v. 19 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36233. Sample no. 42347–B.)

This case involved a shipment of huckleberries which were infested with maggots.

On August 3, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1935, by M. Bohorad, from Mahanoy, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25006. Adulteration of preserves. U. S. v. 6 Cases and 4 Cans of Assorted Preserves. Consent decree of condemnation and destruction. (F. & D. no. 35524. Sample no. 26300–B.)

This case involved an interstate shipment of assorted preserves that contained lead in an amount that might have rendered them injurious to health.

On June 4, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases and four cans of assorted preserves at Rock Springs, Wyo., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by Hewlett Bros. Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hewlett's Fancy Brand Pure Peach [or "Plum", "Apricot", etc.] * * * Packed by Hewlett Bros. Co. Salt Lake City, Utah."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, lead, which might have rendered them harmful and injurious to health.

On June 14, 1935, Hewlett Bros. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed, and that the claimant pay the costs of the proceedings.

W. R. GREGG, *Acting Secretary of Agriculture.*

25007. Adulteration of blueberries. U. S. v. 15 Crates, et al., of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 36216, 36217, 36220 to 36223, incl., 36228 to 36232, incl., 36234, 36237, 36375 to 36378, incl. Sample nos. 36347–B, 38273–B, 40099–B, 42336–B, 42337–B, 42341–B, 42345–B, 42346–B, 42712–B, 42715–B, 42718–B, 42723–B, 42724–B, 42740–B, 44538–B, 44655–B, 44656–B.)

These cases involved shipments of blueberries which were infested with maggots.

On July 25, July 27, July 31, and August 1, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 374 crates of blueberries at New York, N. Y. On July 30, July 31, August 1, and August 8, 1935, libels were filed in Federal district courts against 117 crates and 40 trays of blueberries in various lots at Philadelphia, Pa., Baltimore, Md., and Boston, Mass. The libels charged that the article had been shipped in interstate commerce between the dates of July 23 and August 6, 1935, by the Blueberry Cooperative Association, from New Lisbon, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 14, 17, 22, and 26, and September 4, 11, and 23, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25008. Adulteration of blueberries. U. S. v. 22 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36238. Sample no. 42744–B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 6, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by D. E. Mahoney, from Frackville, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25009. Adulteration of process cheese. U. S. v. 30 Cases of Process Cheese. Default decree of condemnation and destruction. (F. & D. no. 35367. Sample no. 4795–B.)

This case involved an interstate shipment of process cheese which contained segments of the bodies of insects, rodent hairs, and nondescript debris.

On April 11, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of process cheese at Baltimore, Md., consigned by the Kraft-Phenix Cheese Corporation, Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, from Freeport, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kraft Limburger Pasteurized Process Cheese, * * * Kraft-Phenix Cheese Corporation * * * Baltimore, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25010. Adulteration of apple chops. U. S. v. 180 Sacks of Apple Chops. Default decree of destruction. (F. & D. no. 35389. Sample nos. 27385–B, 27451–B.)

Examination of the apple chops involved in this case showed the presence of lead and arsenic in amounts that might have rendered the article injurious to health.

On April 19, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 180 sacks of apple chops at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 2, 1934, by the Washington Dehydrated Food Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On September 6, 1935, no claimant having appeared, judgment was entered finding the product adulterated, and ordering its destruction.

W. R. GREGG, *Acting Secretary of Agriculture.*

25011. Adulteration of tomato catchup. U. S. v. 51 Cases, et al., of Tomato Catchup. Decrees of condemnation. Portion of product released under bond. Remainder destroyed. (F. & D. nos. 35352, 35464, 35617, 35631, 36282, 36584. Sample nos. 11771–B, 26737–B, 26933–B, 35636–B, 35683–B, 35691–B.)

These cases involved shipments of tomato catchup which was adulterated because of the presence of worms and insects or filth resulting from worm and insect infestation.

On April 9, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases of tomato catchup at Scottsbluff, Nebr. On or about May 9, June 8, September 26, and October 3, 1935, libels were filed against 81 cases of tomato catchup at Cheyenne, Wyo.; 30 cases at Albuquerque, N. Mex.; 42 cases at Santa Fe, N. Mex.; 50 cases at Jacksonville, Fla.; and 181 cases at San Francisco, Calif. The libels charged that the article had been shipped in interstate commerce between the dates of October 26, 1934, and August 24, 1935, by Libby, McNeill & Libby, from Blue Island, Ill.; Manzanola, Colo.; Rocky Ford, Colo.; and San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Libby's Tomato Catchup [or "Rose-Dale Brand Tomato Catchup"] * * * Packed by Libby, McNeill & Libby Chicago"; "Silver-Dale Brand Tomato Catchup * * * Packed at canneries located in California for Emery Food Co. Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 10, 1935, no answer having been filed by the claimant in the case instituted in the District of Nebraska, judgment of condemnation was entered and the product covered by the said case was ordered destroyed. On July 1, 1935, Libby, McNeill & Libby, claimant for the product seized in the District of Wyoming, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned in part that the adulterated portion be segregated and destroyed. On July 8, October 26, and November 22, 1935, no claimant appearing in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25012. Adulteration and misbranding of butter. U. S. v. 3 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35649, 35653, 35654. Sample nos, 22586–B, 22587–B, 36850–B.)

These cases involved shipments of butter which was adulterated because of the presence of mold and other extraneous matter. One lot was also misbranded because of failure to declare the quantity of the contents.

On May 21, 1935, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 14 and May 16, 1935, by the Aberdeen Creamery Co., from Aberdeen, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot of the article was labeled: "Daffodil Butter One Pound Net * * * Manufactured by Aberdeen Creamery Co., Aberdeen, Miss. Branch of Kent Dairy Products Corp. Inc." One lot was labeled: "One Lb. net Monogram Country Roll Butter The Cudahy Packing Co. Distributors * * * Chicago." The remaining lot was unlabeled.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25013. Adulteration of butter. U. S. v. 65 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35660, 35705, 35706, 35708, 35732. Sample nos. 16471-B, 16472-B, 22590-B, 22606-B, 22618-B, 38319-B.)

These cases involved shipments of butter, samples of which were found to contain mold and other extraneous matter.

On May 29, June 4, and June 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 cases and 55 tubs of butter at New Orleans, La. On June 19, 1935, a libel was filed in the Eastern District of Pennsylvania against 15 tubs of butter at Philadelphia, Pa. The libels charged that the article had been shipped in interstate commerce between the dates of May 7 and June 11, 1935, by the Lexington Ice & Creamery Co., from Lexington, Miss., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On July 8 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25014. Adulteration and misbranding of macaroni, spaghetti, and egg noodles. U. S. v. 8 Cartons of Elbow Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35666, 35680, 35691, 35693, 35694. Sample nos. 36235-B to 36238-B, incl., 36240-B, 36241-B, 36484-B to 36488-B, incl., 36502-B.)

These cases involved various shipments of alimentary paste that contained soybean meal and turmeric, a yellow coloring matter.

On June 21, June 27, and July 1, 1935, the United States attorneys for the Districts of Maine and New Hampshire, acting upon reports by the Secretary of Agriculture, filed in their respective district courts, libels praying seizure and condemnation of 156 cases and 15 cartons of macaroni, 49 cases of egg noodles, and 19 cases of spaghetti, in various lots at Portland, Maine, Lewiston, Maine, Nashua, N. H., and Manchester, N. H., alleging that the articles had been shipped in interstate commerce between the dates of November 13, 1934, and May 9, 1935, by the Prince Macaroni Manufacturing Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled, variously: "Ambro Elbow Mac. [or "Macaroni" or "Spaghetti"] Hard Wheat Flour Ambro Food Products, Boston, Mass."; "Gragnano Style Marcaroni Made from Hard Wheat Durum Flour Elbow Macaroni"; "Prince Superfine Macaroni Italian Style Semolina No. 1 Products Prince Macaroni Mfg. Co., Boston, Mass. Spaghetti"; "Prince Superfine Pure Egg Noodles Contains Vitamin D"; "Kream Brand Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Prince Pure Egg Noodles"; "Italian Style Prince Superfine Bologna and Genova"; "Prince Superfine Egg Noodles"; "Prince Superfine Elbow Macaroni"; "Prince Elbow Macaroni."

The articles were alleged to be adulterated in that substances containing soybean meal and an added color, turmeric, had been substituted for macaroni, spaghetti, or egg noodles, which the articles purported to be. Adulteration was alleged with respect to portions of the articles for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the labeling of the various products were false and misleading and tended to deceive and mislead the purchaser: "Mac [or "Macaroni" or "Spaghetti"] Hard Wheat Flour"; "Macaroni Made from Hard Wheat Durum Flour"; "Superfine Macaroni Semolina No. 1 Products"; "Spaghetti"; "Superfine Pure Egg Noodles * * * Contains Vitamin D"; "Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Superfine Bologna and Genova Made from Durum Wheat Semolina * * * Farfalle"; "Superfine Egg Noodles Made from Selected Amber

Durum Wheat * * * The popularity of Prince Superfine Egg Noodles is due to their superior quality. We combine Amber Durum Wheat and egg solids so as to give the user of Prince Noodles a product with a superior gluten content in addition to the eggs"; "Superfine Elbow Macaroni"; "Made from Selected Amber Durum Wheat Semolina"; "Macaroni"; "Prince Macaroni Products are made from pure Durum Wheat Semolina, the hardest part of the wheat. This accounts for its fine wholesome and nutritious flavor."

No claimant appeared for the property. On July 23 and July 26, 1935, judgments of condemnation were entered in the cases instituted in the District of Maine and the court ordered the products destroyed. On July 24, 1935, the products seized in the District of New Hampshire were adjudged to be misbranded and were also ordered condemned and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25015. Adulteration of butter. U. S. v. 35⅔ Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35720. Sample no. 16467–B.)

This case involved a shipment of butter samples of which were found to contain mold and other extraneous matter.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35⅔ cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 12, 1935, by Kadane-Brown, Inc., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Daisy Maid Brand Country Roll Butter The Cudahy Packing Co. General Offices, Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25016. Adulteration and misbranding of Italian grated cheese. U. S. v. 10 Cases of Italian Grated Cheese. Default decree of condemnation. (F. & D. no. 35727. Sample no. 27763–B.)

This case involved skim-milk cheese containing added starch, which was represented to be Italian grated cheese. The statement of the quantity of the contents borne on the label was incorrect and inconspicuous.

On July 2, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 10 cases of Italian grated cheese at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about June 18, 1935, by Corticelli & Gaybrant, from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Boxes) "Original Italian Grated Cheese. Corticelli & Gaybrant, Newark, N. J. Contains 1½ oz. packed. This package contains a blend of genuine Parmesan and other choice Italian cheeses."

The article was alleged to be adulterated in that skim-milk cheese containing substantial quantities of starch had been substituted for Italian grated cheese.

Misbranding was alleged for the reason that the statements on the label, "Italian grated cheese" and "Contents a blend of genuine Parmesan and other choice Italian cheeses", were false and misleading, and tended to deceive and mislead the purchaser, when applied to a product consisting of skim-milk cheese containing added starch. Misbranding was alleged for the further reason that the statement, "Contents 1½ oz. packed", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect and was not plain and conspicuous.

On July 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

25017. Adulteration of butter. U. S. v. 15 Tubs, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35715, 35717, 35718, 35719. Sample nos. 22598–B, 36866–B to 36869–B, incl., 36873–B, 36874–B.)

These cases involved various shipments of butter samples of which were found to contain mold and other extraneous matter.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 tubs and 93 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce between the dates of May 13, 1935, and May 29, 1935, by the Kosciusko Creamery, from Kosciusko, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Wrapper) "Cresta Creamery Butter * * * Distributed by Swift & Co. * * * Chicago." The remainder was labeled in part: (Tag) "From Kosciusko Creamery, Kosciusko, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 15, 1935, no claimant having appeared, judgments of condemnation were entered, and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25018. Adulteration of tomato catsup. U. S. v. 996½ Cases of Tomato Catsup. Decree of condemnation and destruction. (F. & D. no. 35036. Sample no. 11531–B.)

This case involved a shipment of tomato catsup that contained excessive mold.

On February 7, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 996½ cases of tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by the Naas Corporation of Indiana, from Sunman, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun Red Brand High Quality Tomato Catsup * * * The Naas Corporation of Indiana Sunman, Ind."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 19, 1935, judgment of condemnation was entered and the court ordered the product destroyed. Stay of execution was granted on motion of the claimant. On December 7, 1935, the judgment of March 19, 1935 was made final.

W. R. Gregg, *Acting Secretary of Agriculture.*

25019. Adulteration of canned sardines. U. S. v. 49 Cases and 42 Cases of Canned Sardines. Judgment of condemnation and destruction. (F. & D. no. 32668. Sample nos. 33356–A, 33357–A, 66804–A, 66805–A.)

This case involved two lots of canned sardines which were in part decomposed.

On May 3, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned sardines at Lewistown, Mont., alleging that the article had been shipped in interstate commerce on or about October 3, 1933, by the California Packing Corporation, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Del Monte Brand California Sardines Mustard [or "Tomato"] Sauce * * * California Packing Corp. * * * San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 29, 1935, the California Packing Co. having appeared as claimant and the case having come on for hearing before the court, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25020. Adulteration and misbranding of egg noodles. U. S. v. 11 Cases, et al., of Egg Noodles. Default decrees of condemnation and destruction. (F. & D. nos. 35698, 35817. Sample nos. 28614–B, 28646–B.)

These cases involved interstate shipments of egg noodles which contained added soybean flour and coloring matter.

On July 2 and July 29, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 cases and 28½ dozen packages of egg noodles at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 2 and June 3, 1935, by Horowitz Bros. & Margareten, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Horowitz-Margareten Pure Egg Noodles Manufactured by Horowitz Bros. & Margareten * * * New York." The remainder was labeled in part: "My-Te Good Brand Egg Noodles * * * Strictly pure, no artificial color used. Packed Expressly for Donahoes Pittsburgh, Pa. Mfd. by H.-M. Co. New York."

The article was alleged to be adulterated in that a product containing soybean flour and an added color, turmeric, had been substituted for pure egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Pure Egg Noodles" and "Egg noodles * * * Strictly Pure no artificial color used", were false and misleading, and tended to deceive and mislead the purchaser, when applied to a mixture of egg noodles, soybean flour, and added coloring matter.

On August 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25021. Adulteration of butter. U. S. v. 73 Cases and 50 Tubs of Butter. Decrees of condemnation and destruction. (F. & D. nos. 35557, 35707. Sample nos. 22602–B, 28522–B.)

These cases involved shipments of butters samples of which were found to contain mold, insects, hair, and other extraneous matter.

On May 10 and June 4, 1935, the United States attorneys for the Southern District of Alabama, and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 73 cases of print butter at Mobile, Ala., and 50 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 5 and May 21, 1935, by the Louisville Creamery Co., from Louisville, Miss., and charging adulteration in violation of the Food and Drugs Act. The print butter was labeled in part: (Carton) "Daisy Maid Brand Creamery Butter * * * The Cudahy Packing Co., * * * Chicago, U. S. A."

The print butter was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance. The tub butter was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On September 9, 1935, the Louisville Creamery Co. having filed a claim and answer in the case instituted at Mobile, Ala., and having subsequently filed an amended answer admitting the allegations of the libel and consenting to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed, and that the costs of the proceedings be taxed against the claimant. On August 15, 1935, no claim having been entered for the butter seized at New Orleans, La., judgment was entered ordering that it be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25022. Adulteration of tomato puree. U. S. v. 1,200 Cases of Tomato Puree. Decree of condemnation. Product released under bond. (F. & D. no. 35747. Sample no. 38783–B.)

This case involved a shipment of tomato puree that was deficient in tomato solids.

On July 8, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 1,200 cases of tomato puree at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 19, 1935, by the Mississippi Canning Co., from Crystal Springs, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Carmela Brand Tomato Puree * * * Distributed by F. G. Favaloro Sons, Inc., New Orleans, La."

The article was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree which the article purported to be.

On September 16, 1935, A. Glorioso, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled or reconditioned under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25023. Adulteration of tomato puree. U. S. v. 199 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35755. Sample no. 38787–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On July 10, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of tomato puree at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 24, 1935, by the Great A. & P. Tea Co., from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Brand Tomato Puree * * * Packed by Uddo-Taormina Corp New Orleans La., Crystal Springs, Miss., Donna, Texas."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25024. Adulteration of apple butter. U. S. v. 199 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 35764. Sample no. 35406–B.)

This case involved a shipment of apple butter samples of which were found to contain rodent hairs.

On July 13, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of apple butter at Cincinnati, Ohio,, consigned about April 3, 1935, alleging that the article had been shipped in interstate commerce by the C. H. Musselman Co., from Biglerville, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Musselmans brand Pure Apple Butter. * * * Manufactured by the C. H. Musselman Co. Biglerville, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25025. Adulteration of tomato puree. U. S. v. 151½ Cases, et al., of Tomato Puree. Default decrees of destruction. (F. & D. nos. 35360, 35417, 35511, 35512, 35513, 35527, 35528, 35529, 35534, 35535. Sample nos. 11512–B, 28382–B, 28383–B, 28521–B, 36827–B, 36847–B, 36848–B.)

Samples of the tomato puree involved in these cases were found to contain excessive mold. Examination also showed that certain lots were deficient in tomato solids.

On April 12 and May 4, 1935, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 214½ cases of tomato puree at Houston, Tex. On May 17, May 20, and May 23, 1935, libels were filed in the Southern District of Alabama against 316 cases and 64 cans of tomato puree at Mobile, Ala. The libels charged that the article had been shipped in interstate commerce between the dates of March 3 and April 10,

1935, by the Uddo-Taormina Corporation, from New Orleans, La., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Brand Tomato Puree * * * Packed by Uddo-Taormina Corp., New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance. Adulteration of certain lots was alleged for the further reason that a substance deficient in tomato solids had been substituted for puree which the article purported to be.

On June 29 and July 22, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25026–25075

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 16, 1936]

25026. Misbranding of Old Homestead stock powder. U. S. v. Leo Vincent Hyde (Hyde Chemical Co.). Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 30250. Sample no. 2678–A.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 18, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leo Vincent Hyde, trading as the Hyde Chemical Co., Shenandoah, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 15, 1932, from the State of Iowa into the State of Wisconsin of a quantity of Old Homestead stock powder which was misbranded.

Analysis showed that the article consisted essentially of sodium sulphate, charcoal, sulphur, small proportions of sodium phosphate, sodium thiosulphate, calcium carbonate, and magnesium carbonate.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the sack label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a worm expeller; effective to aid in the prevention of disease; effective as a treatment, remedy, and cure for gas and fever in the stomach, and to assist the secretive cells of the stomach into more activity, to produce more digestive fluid for the stomach, and to keep the stomach sweet, strong, and healthy; effective to help every digestive organ to perform its proper duties; and effective to ward off the danger of bloat.

On October 1, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25027. Adulteration and misbranding of boric acid ointment and blue ointment. U. S. v. William D. Koster and Albert Springer (Petroline Laboratories). Pleas of guilty. Fines of $50 imposed on each count against each defendant; fines on all counts but first suspended as to both defendants. (F. & D. no. 32123. Sample nos. 42958–A, 42959–A.)

This case was based on interstate shipment of ointments which were represented to be of pharmacopoeial standard, but which differed from the standard laid down in the United States Pharmacopoeia. The labeling of the boric acid ointment was further objectionable since the article was not an antiseptic as claimed.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William D. Koster and Albert Springer, copartners, trading as the Petroline Laboratories, located at the time of shipment hereinafter mentioned at Brooklyn, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 7, 1933, from the State of New York into the State of Pennsylvania of quantities of boric acid ointment and blue ointment which were adulterated and misbranded.

The articles were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia in the following respects: The boric acid ointment contained less than 100 grams, namely, not more than 88.3 grams of boric acid per 1,000 grams of the ointment; whereas the pharmacopoeia provides that ointment of boric acid shall contain 100 grams of boric acid per 1,000 grams of ointment; the blue ointment contained not more than 24.4 percent of mercury, whereas the pharmacopoeia provides that blue ointment shall contain not less than 29 percent of mercury, and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that they were represented to be products which conformed to the standard laid down in the United States Pharmacopoeia, whereas they did not conform to such standard.

Misbranding was alleged for the reason that the statements, (boric acid ointment) "We guarantee each ointment to be strictly U. S. P.", "Boric Acid Ointment U. S. P.", and "An antiseptic ointment", (blue ointment) "Blue Ointment, U. S. P.", appearing in the labeling, were false and misleading, since the articles did not conform to the standard laid down in the United States Pharmacopoeia, and the boric acid ointment was not an antiseptic ointment. The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no 1426, published under that act.

On July 12, 1935, defendant William D. Koster entered a plea of guilty to all charges. On July 15, 1935, defendant Albert Springer also pleaded guilty to all charges. Each defendant was sentenced to pay a fine of $50 on each count of the information. Fines on all counts but the first were suspended as to both defendants.

W. R. Gregg, *Acting Secretary of Agriculture.*

25028. Adulteration and misbranding of iron cacodylate and iron and arsenic. U. S. v. Intravenous Products Co. of America, Inc. Plea of guilty. Fine, $400. (F. & D. no. 32134. Sample nos. 10209–A, 10210–A, 10215–A.)

This case involved a shipment of iron cacodylate and iron and arsenic, which differed from the standard of strength declared on the label.

On July 10, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intravenous Products Co. of America, Inc., New York, N. Y., on or about September 2, 1932, from the State of New York into the State of New Jersey of quantities of iron cacodylate ampoules and iron and arsenic ampoules which were adulterated and misbranded.

The information charged that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each ampoule of iron cacodylate was represented to contain 0.06 gram (1 grain) of iron cacodylate per cubic centimeter of the article, whereas each of said ampoules contained less than 0.06 gram (1 grain), namely, not more than 0.0262 gram, i. e., 0.4043 grain (two-fifths grain) of iron cacodylate per cubic centimeter of the article; one lot of the iron and arsenic was represented to contain in each ampoule 0.065 gram (1 grain) of ferric dimethylarsenate and 0.2 gram (3 grains) of sodium dimethylarsenate per 5 milliliters, i. e., 5 cubic centimeters, whereas each of said ampoules contained more ferric dimethylarsenate and less sodium dimethylarsenate than represented, namely, not less than 0.124 gram (1.91 grains) of ferric dimethylarsenate and not more than 0.0747 gram (1.15) grains of sodium dimethylarsenate per 5 milliliters, i. e., 5 cubic centimeters of the article; and in the remaining lot of iron and arsenic each ampoule was represented to contain 0.125 gram (2 grains) of ferric dimethylarsenate and 0.4 gram (6 grains) of sodium dimethylarsenate per 10 milliliters, i. e., 10 cubic centimeters of the article, whereas each of said ampoules contained more ferric dimethylarsenate and less sodium dimethylarsenate, than represented, namely, not less than 0.2152 gram (3.32 grains) of ferric dimethylarsenate; and not more than 0.2166 gram (3.34 grains) of sodium dimethylarsenate per 10 milliliters, i. e., 10 cubic centimeters of the article.

Misbranding was alleged for the reason that the following statements borne on the labels, were false and misleading: (Iron cacodylate, box) "1 c. c. ampoules * * * Iron Cacodylate (1 grain)", (ampoule) "1 c. c. Iron Cacodylate 0.06 Gm. (1 gr.)"; (iron and arsenic, box in one lot) "Each 5 c. c. Am-

poule represents: Ferric Dimethylarsenate 0.065 Gm. (1 grain) Sodium Dimethylarsenate 0.2 Gm. (3 grains)", (ampoule) "Five mils represent Ferric Dimethylarsenate 0.065 Gm. (1 grain), Sodium Dimethylarsenate 0.2 Gm. (3 grains)" iron and arsenic, box in second lot) "Each 10 c. c. ampoule represents: Ferric Dimethylarsenate 0.125 Gm. (2 grains) Sodium Dimethylarsenate 0.4 Gm. (6 grains) * * * Fer. Dimethylars. 2 grs. and Sod. Dimethylars. 6 grs.", (ampoule) "Ten mils represent Colloidal Ferric Dimethylarsenate 0.125 Gm. (2 grains) Sodium Dimethylarsenate 0.4 Gm. (6 grains)."

On July 29, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $400.

W. R. Gregg, *Acting Secretary of Agriculture.*

25029. Misbranding of Father Mollinger's Famous Herb Tea, Father Mollinger's Original Prescription for Female Complaints, and Mollinger's Original White Salve. U. S. v. Joseph R. Hite (Mollinger Co.) Plea of guilty. Fine, $50 and costs. (F. & D. no. 33922. Sample nos. 61086–A, 61818–A, 62019–A, 72481–A.)

This case was based on interstate shipments of drug preparations which were misbranded because of unwarranted curative or therapeutic claims in the labeling.

On May 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph R. Hite, trading as the Mollinger Co., Pittsburgh, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 6 and March 26, 1934, from the State of Pennsylvania into the States of Louisiana and Texas, respectively, of quantities of Father Mollinger's Famous Herb Tea; on or about February 23, 1934, from the State of Pennsylvania into the State of Kansas of a quantity of Father Mollinger's Original Prescription for Female Complaints; and on or about April 24, 1934, from the State of Pennsylvania into the State of Kentucky of a quantity of Mollinger's Original White Salve, which products were misbranded.

Analyses showed that the herb tea consisted essentially of ground drugs, including senna leaves, uva ursi, sassafras bark, fennel, lavender flowers, mandrake, couch grass, anise seed and elder flowers; that the prescription for female complaints consisted of tablets containing extracts of plant drugs; and that the white salve consisted essentially of zinc oxide (15.5 percent), boric acid (5.1 percent), and a small proportion of phenol, incorporated in a petrolatum base.

The articles were alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that the herb tea was effective as a benefit to sick humanity; as a powerful body and blood purifier; as a health restorer, and as a stomach, liver, and kidney regulator; effective as a treatment, remedy, and cure for all the family in cases of torpid liver, stomach troubles, headaches, and all diseases of the blood; effective to keep the system free from toxic poisons, to remove the cause of fever and the origin of disease, to remove body poisons, to make old folks healthier and happier, to retain youthful vigor, to relieve stomach disorders, indigestion, dyspepsia, and headaches, to prevent constipation, to clear the skin, to remove pimples and blemishes, to produce pure red blood, a clean liver, and healthy kidneys; and effective as a treatment for every form of disease; that the prescription for female complaints was effective as a treatment, remedy, and cure for female complaints. sluggishness of the liver, amenorrhoea, dysmenorrhoea, irregular menstruation, weakness and disorders of the female generative organs and all female complaints; and effective to give tone to the uterine and ovarian ligaments and to restore the system to a healthy condition; and that the white salve was effective as a treatment for inflamed surfaces and skin diseases such as eczema, tetter, or salt rheum, itch, scald head, pimples, and blotches, old sores, and ulcers of all kinds; and effective to relieve inflammation promptly.

On August 1, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25030. Misbranding of Ward's Chic Cura and Ward's Sore Throat Syrup. U. S. v. Dr. Ward's Medical Co. Plea of nolo contendere. Fine, $45. (F. & D. no. 33964. Sample nos. 41267–A, 41360–A.)

This case was based on interstate shipments of drug preparations the labeling of which contained unwarranted curative and therapeutic claims. The

labeling of Ward's Sore Throat Syrup was further objectionable, since the article contained alcohol in excess of the amount declared.

On June 18, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 1, 1933, and February 17, 1934, from the State of Minnesota into the State of Wisconsin of quantities of Ward's Chic Cura and Ward's Sore Throat Syrup, respectively, which were misbranded.

Analyses showed that Ward's Chic Cura consisted of a calcium carbonate mixture containing sulphur and plant material, and that Ward's Sore Throat Syrup consisted of a hydroalcoholic solution essentially glycerin, resinous material, and potassium chlorate.

The articles were alleged to be misbranded in that certain statements and designs regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that the Chic Cura was effective as a treatment, remedy, and cure for chicken cholera, gapes, roup, and all the common diseases of fowls; and effective as a preventive of disease; and that the sore throat sirup was effective as a remedy for many kinds of sore throat, and especially in cases of quinsy. Misbranding of the sore throat sirup was alleged for the further reason that the statement "16% Alcohol", borne on the bottle label, was false and misleading since the said statement represented that the article contained 16 percent of alcohol, whereas it contained more than 16 percent of alcohol, namely, 21.5 percent of alcohol.

On June 18, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $45.

W. R. Gregg, *Acting Secretary of Agriculture.*

25031. Adulteration and misbranding of Ditman's Sea Salt. U. S. v. 71 Boxes, et al., of Ditman's Sea Salt. Default decrees of condemnation and destruction. (F. & D. nos. 35061, 35309. Sample nos. 11857–B, 26191–B.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable, since the article was represented to consist of salts obtained by the evaporation of sea water, whereas its composition differed materially from sea salts so obtained.

On February 18 and April 6, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 176 boxes of sea salt at Denver, Colo., consigned by A. J. Ditman, from New York, N. Y., alleging that the article had been shipped in interstate commerce between the dates of September 2, 1932, and February 1, 1935, from the State of New York into the State of Colorado and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it contained 98.3 percent of sodium chloride, calcium salts estimated as calcium oxide (0.25 percent), and traces of magnesium and sulphate compounds. It contained a much smaller proportion of calcium, magnesium, and sulphate than does sea salt obtained by evaporating sea water.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Sea Salt * * * This Salt being extracted directly from Sea Water by evaporation."

Misbranding was alleged for the reason that the following statements appearing on the label were false and misleading: "Ditman's Sea Salt for Producing A Real Sea Salt Bath at Home * * * This Salt being extracted directly from Sea Water by evaporation * * * For Producing Real Sea Salt Water at Home Dissolve a coffee cup full of this Salt in one gallon of ordinary water. Purified Sea Salt For Producing Real Sea Salt Water at Home. By dissolving six ounces (or about an ordinary coffee cupful) of this Salt in one gallon of water." Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent: "This Salt being extracted directly from Sea Water by evaporation has all the medicinal advantages of the natural water * * * Can be used * * * as remedial agent in Debility, Languor, Rheumatism, Weakness of the Joints and Muscular System and for its bracing and vivifying influence generally."

A portion of the article was alleged to be misbranded for the further reason that the curative and therapeutic claims appearing in a circular shipped with certain lots were also false and fraudulent.

On April 13 and June 24, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25032. Misbranding of Lucorol. U. S. v. 35 Boxes and 16 Packages of Lucorol. Default decrees of condemnation and destruction. (F. & D. nos. 35152, 35222. Sample nos. 21521–B, 21539–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic effects.

On February 18 and March 5, 1935, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 boxes and 16 packages of Lucorol at Newark, N. J., alleging that the article had been shipped in interstate commerce between the dates of December 17, 1934, and February 4, 1935, by Peck & Sterba, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

A sample of the product analyzed by this Department was found to consist essentially of oxyquinoline sulphate (0.87 percent), boric acid, a small proportion of an aluminum compound, a gum, glycerin, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton and tube) "Lucorol For Protective Feminine Hygiene"; (circular) "Lucorol * * * Directions for Treatment of Leucorrhea (The Whites) Apply Lucorol each night during treatment in vaginal tract by use of applicator. Insert full length, turn key one-quarter turn; remove slowly, gently moving in a rotary motion so as to spread Lucorol over the vaginal walls. Douche with warm water one or twice a week only. Its * * * healing properties will make itself felt after two or three days. It may take two or three tubes to clear up a severe case."

On April 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25033. Misbranding of artificial Vichy water powders and Ferro-China Doria. U. S. v. 33 Packages of Artificial Vichy Water Powders and 36 Bottles of Ferro-China Doria. Default decrees of condemnation and destruction. (F. & D. nos. 35229, 35230. Sample nos. 28901–B, 28902–B.)

These cases involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labels.

On March 8, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 33 packages of artificial Vichy water powders and 36 bottles of Ferro-China Doria at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about February 4, 1935, by the Chas. Cassese Importing Co., from Paterson, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the artificial Vichy water powders consisted of large packages containing sodium bicarbonate (93.6 percent), sodium chloride, and magnesium sulphate, and small packages containing tartaric acid; and that the Ferro-China Doria contained a compound of iron such as iron and ammonium citrate equivalent to 3.2 grams of that compound per 100 milliliters, cinchona alkaloids (70 milligrams per 100 milliliters), alcohol (13.8 percent), sugar, spices, and water.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Artificial Vichy water powders) "Recognized as the best in all cases of Chronic Indigestion, Acute Stomach Trouble, diseases of the Liver, Kidneys, Bowels, etc."; (Ferro-China Doria) "Useful in the treatment of Anemia, Loss of Appetite * * * and general Debility."

On April 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25034. Adulteration and misbranding of Epsom salts compound tablets. U. S. v. 99,800 Epsom Salts Compound Tablets. Default decree of condemnation and destruction. (F. & D. no. 35271. Sample no. 21887–B.)

This case involved a drug preparation which was labeled to convey the impression that its therapeutic properties were derived from Epsom salt. Examination showed that it contained phenolphthalein and a laxative plant drug which would be responsible for its physiological activity, the Epsom salt present being insufficient to produce any appreciable cathartic effect.

On March 18, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99,800 Epsom salts compound tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 23, 1935, by the Shores Co., from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis showed each tablet to contain magnesium sulphate (Epsom salts, 4.8 grains per tablet), phenolphthalein (0.9 grain per tablet), a laxative plant drug such as aloin, and sugar.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Epsom Salts Compound Tablets."

Misbranding was alleged for the reason that the statement, "Epsom Salts Compound Tablets", was false and misleading.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25035. Misbranding of Jaques' Little Wonder Capsules. U. S. v. 51 Packages of Jaques' Little Wonder Capsules. Default decree of condemnation and destruction. (F. & D. no. 35308. Sample no. 28897–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The article was further misbranded because it was represented to be a valuable digestive agent, whereas it contained no appreciable amount of ferment capable of digesting either protein or starch.

On March 28, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 packages of Jaques' Little Wonder Capsules at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 30 and October 6, 1934, by Theodore W. Hellmers, from East Orange, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium carbonate (17 percent), magnesium sulphate, cascara sagrada extract, and an extract of a pungent drug.

The article was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a relief from dyspepsia, indigestion, flatulency, catarrh of the stomach, and all troubles which result from overeating; effective to regulate the bowels, increase the appetite, and prepare all flesh-forming foods for assimilation; effective in the treatment of dyspepsia, indigestion, and kindred ailments of the stomach, pains in the stomach, heaviness after eating, biliousness, dizziness, nausea, headache, coated tongue, fetid breath, heartburn, many other forms of stomach disturbances both acute and chonic, and certain gastric and intestinal disturbances; and effective as a treatment for loss of appetite, malnutrition, general debility, mild and acute cases of disorders of the stomach and digestive tract, and indigestion of the bowels.

Misbranding was alleged for the further reason that the statement on the label and carton, "One capsule will aid in digesting 5000 or more grains of food", was false and misleading.

On June 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25036. Misbranding of Servex Antiseptic Powder. U. S. v. 9 Sets of Servex. Default decree of condemnation and destruction. (F. & D. no. 35289. Sample no. 26137–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 23, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine sets of Servex at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about February 4, 1935, by the Servex Laboratories, Ltd., from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of boric acid, quinine sulphate, and oxyquinoline sulphate.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Circular) "It is not necessary to use a douche after Servex Powder. Yet, when a douche is desired, especially when congestion is marked and the hygroscopic action causes an increase of secretion it may be used at a convenient time * * * Doctors Tell Us that seventy-five per cent, three out of every four women suffer from various degrees of pelvic congestion. This congestion causes a feeling of weight and discomfort. It drains vitality and brings discord to the nervous system. Neglected, it insidiously wears down resistance and prepares the way for serious disorders. * * * that this condition is frequently associated with erosion of the cervix, the mouth of the womb. This causes a disturbing discharge—leucorrhoea. * * * that leucorrhoea is also commonly due to an infection in the vagina by the trichomonas vaginalis, which causes a profuse discharge often associated with burning and itching. Servex, because of its hygroscopic and bactericidal action, aids nature to correct these conditions. It stimulates the natural secretions which help to normalize the tissue. For years, physicians have treated such conditions over prolonged periods of time * * * Servex Powder acts as a healthful * * * stimulant. * * * Physicians tell us that many of their patients for whom they prescribe Servex Powder report * * * They say they have more vitality."

On July 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25037. Misbranding of Pyorrhex Chewing Gum. U. S. v. 192 Large Packages, et al., of Pyorrhex Chewing Gum. Default decree of condemnation and destruction. (F. & D. no. 35179. Sample no. 11899–B.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On March 4, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 large packages, 72 small packages, and 136 free samples of Pyorrhex Chewing Gum at Denver, Colo., consigned by the National Gum Co., Inc., Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 16, 1927, from Newark, N. J., into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chicle containing a small proportion of magnesium oxide, coated with sugar, flavored, and colored.

The article was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a treatment for soft, spongy, or bleeding gums, and effective to insure oral hygiene, clean teeth, and healthy gums; effective to sweeten the breath and aid digestion; effective as an antiseptic, antacid, and astringent treatment for pyorrhea, and as a scientific treatment for sore, bleeding, or receding gums; effective as a preventive of dental diseases, pyorrhea, dental decay, gingivitis, pyorrhea and dangerous mouth infection; and effective to tighten weak and bleeding gums, stimulate circulation in the gingival tissues, inhibit germ growth, and arrest the progress of pyorrhea.

On May 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25038. Misbranding of Mrs. Olsen's Valuable Salve. U. S. v. 125 Boxes of Mrs. Olsen's Valuable Salve. Default decree of condemnation and destruction. (F. & D. no. 35207. Sample no. 21534–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On March 4, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of Mrs. Olsen's Valuable Salve at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about January 7, 1935, by the Mrs. G. P. Olsen Salve Co., from Bayonne, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of rosin and petrolatum.

The article was alleged to be misbranded in that certain statements appearing in the labeling, regarding its curative or therapeutic effects, falsely and fraudulently represented that it was effective in the treatment of the worst cases of cuts, boils, old sores, eczema, sore nipples, and other skin diseases; effective as a treatment to promote growth of new skin before resorting to skin grafting; effective in the treatment of blood poisoning, boils, and felons; effective as a treatment for foot ailments; and effective in the treatment of varicose ulcers, rotten leg, and enlarged ulcerated glands of the neck.

On July 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25039. Adulteration and misbranding of Pyrol and Anti-Pyrexol. U. S. v. 664 Cases of Pyrol, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35310, 35311. Sample nos. 32005–B to 32010–B, incl.)

These cases involved a drug preparation sold under the names Pyrol and Anti-Pyrexol, which was misbranded because of unwarranted curative, therapeutic, and antiseptic claims appearing in the labeling.

On April 18 and April 26, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 804 cases of a drug preparation, a part of which was packed in tubes and labeled "Pyrol", and a part of which was packed in cans and labeled "Anti-Pyrexol", alleging that the article had been shipped in interstate commerce between the dates of August 6, 1928, and April 2, 1929, by the Kip Corporation, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Samples of the article analyzed by this Department were found to consist essentially of petrolatum and zinc oxide with small amounts of phenol, salicylic acid, and essential oils including methyl salicylate. Bacteriological examination showed that it was not antiseptic.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that certain statements appearing on the package to the effect that the article contained antiseptic oils and was antiseptic were false and misleading, since the article was not antiseptic. Misbranding was alleged for the further reason that certain statements appearing in the labeling regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that it was effective in the treatment of burns, eruptions, boils, piles, ulcers; effective to prevent infection, hasten healing, and prevent scars; effective in the treatment of sore feet, sores, pimples, boils, dandruff, cutaneous inflammations and eruptions; effective as an anaesthetic; effective as a reconstructive and stimulant to cell growth; effective as a treatment of any injuries to the skin or any skin disorders, abscesses, bed sores, ulcers, eczema, itch; effective as an anti-escharotic reconstructive and as a treatment for lacerated wounds, and local inflamed condition of the skin and mucous membrane; effective as a treatment for erysipelas, hemorrhoids, wounds, felons, carbuncles, pimples, impetigo; and effective to relieve pain quickly.

On June 14, 17, and 18, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25040. Misbranding of Vin. Vigorans and Chalgonia tablets. U. S. v. 10 Bottles of Vin. Vigorans and 10 Packages of Chalgonia Tablets. Default decree of condemnation and destruction. (F. & D. nos. 35334, 35335. Sample nos. 19442–B, 19446–B.)

This case involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The Vin. Vigorans was further misbranded since its name indicated that it was a wine, whereas it was not a wine.

On April 9, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Vin. Vigorans and 10 packages of Chalgonia tablets at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 14, 1935, by the LeCompte & Gayle Co., from Frankfort, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Vin. Vigorans consisted essentially of extracts of plant drugs, including 29 milligrams per 100 milliliters of the alkaloids of quinine and strychnine, an iron compound, glycerin, alcohol, and water; and that the Chalgonia tablets contained in each acetanilid (3.25 grains), sodium bicarbonate (1.55 grains), and starch.

The articles were alleged to be misbranded in that the following statements regarding their curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "Vin. Vigorans A Nerve and Blood Tonic"; "Chalgonia Tablets A Reliable Remedy For * * * Insomnia, Sciatica, * * * etc." Misbranding of the Vin. Vigorans was alleged for the further reason that the statement on the label, "Vin. Vigorans", was false and misleading, since the said statement indicated that the product consisted of wine, whereas it did not consist of wine.

On June 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25041. Misbranding of Hale's Phosphate of Soda Compound and thymol powder. U. S. v. 43 Bottles of Hale's Phosphate of Soda Compound and 10 Bottles of Thymol Powder. Default decrees of condemnation and destruction. (F. & D. nos. 35350, 35351. Sample nos. 29032–B, 29033–B.)

These cases involved two drug preparations, one of which was represented to be a phosphate of soda compound, whereas it consisted essentially of sodium sulphate; and the other of which was represented to be thymol powder, whereas it contained but little thymol and consisted essentially of other substances. The labeling of both products contained unwarranted curative and therapeutic claims.

On April 10, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 bottles of Hale's Phosphate of Soda Compound and 10 bottles of thymol powder at Dover, N. H., alleging that the articles had been shipped in interstate commerce in part on or about September 24, 1934, and in part on or about February 19, 1935, by the J. V. Hale Co., Inc., from Boston, Mass., and charging misbranding in violation of the Foods and Drugs Act as amended.

Analyses showed that the Hale's Phosphate of Soda Compound consisted essentially of sodium sulphate (39.9 percent), sodium bicarbonate, and tartaric acid with small amounts of sodium phosphate (3.6 percent), potassium sulphate, and lithium citrate; and that the thymol powder consisted essentially of boric acid and ammonia alum with small amounts of phenol, menthol, and thymol.

The articles were alleged to be misbranded in that the statements, "Phosphate of Soda Compound" and "Thymol Powder", respectively, were false and misleading, since the former consisted essentially of sodium sulphate, and the latter contained only a small amount of thymol. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Hale's Phosphate of Soda Compound) "In the treatment of Gout or Rheumatism, or for derangements of the Stomach or Liver, * * * In acute Indigestion, Alcohol Excesses, or * * * when it is advisable to cleanse the entire alimentary tract"; (thymol powder) "Indicated

in the treatment of Leucorrhoea, Vaginitis, and all Abnormal Discharges, * * * May be used as a local application to Ulcers, Wounds, Abscesses, etc."

On May 9, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25042. Misbranding of Slim. U. S. v. 62 Bottles and 6 Dozen Packages of Slim. Default decrees of condemnation and destruction. (F. & D. nos. 35458, 35692. Sample nos. 28597–B, 28640–B.)

These cases involved a product which was labeled to convey the impression that it could be safely taken according to directions for the reduction of superfluous weight, but which contained an ingredient that might be harmful when so taken.

On May 6 and June 28, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 62 bottles and 6 dozen packages of Slim at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 19 and June 12, 1935, by the Slim Sales Co., Inc., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Samples taken from the two shipments were found to consist of tablets containing 1.197 and 1.115 grains, respectively, of dinitrophenol per tablet.

The article was alleged to be misbranded in that the following statements and design regarding the curative or therapeutic effects of the article were false and fraudulent, since they led consumers to believe that the product might safely be taken according to directions for the reduction of superfluous weight, which was not the case: Design of slender woman on carton and bottle label; (Carton) "Slim the Scientific Way to Reduce"; (bottle) "Slim a Physician's prescription prepared under his personal supervision to aid in safely reducing overweight. Send a self addressed stamped envelope to our medical director with any question in regard to weight reduction or skin irritation. Directions for using 'Slim' Take one Capsule after breakfast and one after evening meal every day. Bottle contains twenty-eight capsules sufficient for two weeks treatment." Misbranding was alleged for the further reason that the statement on the bottle label, "'Each Capsule contains one grain of Alpha Dinitrophenol", was false and misleading, since the article contained materially more alpha dinitrophenol than stated.

On June 8 and August 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25043. Misbranding of Sip O. U. S. v. 186 Bottles of Sip O. Default decree of condemnation and destruction. (F. & D. no. 35540. Sample no. 23158–B.)

This case involved a drug preparation the labeling of which contained false and fraudulent curative and therapeutic claims.

On May 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 186 bottles of Sip O at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about January 14 and February 14, 1935, by the McCabe Drug Co., from Fargo, N. Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant drugs, menthol, tar, chloroform, sugar, and water.

The libel charged that the article was misbranded in that the statements on the label, "For coughs * * * a valuable remedy for coughs * * * bronchitis, bronchial asthma * * * whooping cough, sore throat, catarrh, hay fever * * * hoarseness", constituted misbranding under paragraph 3 of section 8 of the Food and Drugs Act as amended.

On July 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25044. Misbranding of Dr. Goudy's Magic Liniment. U. S. v. 27 Bottles of Dr. Goudy's Magic Liniment. Default decree of condemnation and destruction. (F. & D. no. 35548. Sample no. 23159–B.)

This case involved a drug preparation the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable, since the alcohol present in the article was not declared, no declaration appearing on the carton, and that appearing on the bottle label being incorrect.

On May 28, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bottles of Dr. Goudy's Magic Liniment at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about October 11, 1934, by the Dr. Goudy Remedy Co., from Charleston, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenol (7.5 grams per 100 milliliters), extracts of plant drugs including chrysophanic acid and chrysarobin (alcohol 17 percent), and water.

The article was alleged to be misbranded in that the statement on the bottle label, "50 per cent of it is ethyl alcohol", was false and misleading. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of the alcohol contained therein, since no reference to alcohol appeared on the carton, and the statement on the bottle label was incorrect. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Label) "The Greatest Healer Known * * * no unsightly scar or blemish will mark the seat of the injury, and the hair will cover the wounded surface as though it had never been disturbed"; (circular) "A Sure and Speedy Cure For * * * Eczema, Dog and Snake Bites, Lockjaw, Punctures by Rusty Nails and All Other Injuries Where Poisonous Tendency Is Imparted—Leaving the Wounded Surface Without a Scar * * * We guarantee that no unsightly scar blemish will mark the seat of injury and the hair will cover the wounded surface as though it had never been disturbed. Fistula, Piles, * * * Eczema * * * In the household, it insures immunity from the many distressing complications often following burns, punctures by rusty nails, pin scratches, dog and snake bites and other injuries of like nature where a poisonous tendency is imparted. * * * [Testimonials] 'My daughter had an eczema on her chin. She was being treated by the best physicians without success. It spread to the surrounding tissues. I was induced to try Goudy's Liniment. * * * It required but a few applications to effect a cure'; '* * * as a valuable dressing for all wounds and burns'; '* * * it never fails to heal and without leaving the slightest scar';* * * 'So many cures of badly lacerated cuts have been reported to us by customers that we do not hesitate to guarantee it to quickly and permanently cure without scar or blemish any cut, burn or sore.'"

On July 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25045. Misbranding of Walter's Radiant Hair Rejuvenator. U. S. v. 22 Cartons of Walter's Radiant Hair Rejuvenator. Default decree of condemnation and destruction. (F. & D. no. 35549. Sample no. 32311–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable since the article contained undeclared alcohol and it was labeled as being a harmless preparation for the restoration of the natural color of the hair; whereas it was not a harmless preparation and would not restore the natural color of the hair.

On May 28, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of Walter's Radiant Hair Rejuvenator at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about March 12, 1935, by Walter's Products Co., Inc., from St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of lead acetate, sulphur, boric acid, quinine, glycerin, alcohol (14.7 percent), water, and perfume.

The article was alleged to be misbranded in that the following statements in the circular shipped with the article were false and misleading: "It is Absolutely Harmless. To Restore Natural Color—Whether you are a blonde, a brunette, or a Titian, all you need to do is to treat your hair regularly twice a day with Walter's Radiant Hair Rejuvenator until the desired natural color returns, can be used on any color of hair. It is absolutely harmless, and not only restores natural color, but also rejuvenates natural growth." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that certain statements and designs in the labeling falsely and fraudulently represented that it was effective as a hair rejuvenator; effective in removing dandruff, preventing hair from falling out, promoting the growth of hair and bringing it back to a vigorous-looking shade, and restoring natural color to the hair; effective in the treatment of itching scalp, and eczema of the scalp; effective to make the scalp young, create circulation, and bring back the pigment flow into the hair cells and roots; effective to restore natural fullness to thin hair and correct the fundamental cause of scalp trouble; effective to reach the cause of acne and other skin eruptions; and effective to bring back a more youthful appearance.

On July 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25046. Misbranding of Revigoro Tonic Health Tea. U. S. v. 26 Packages and 65 Packages of Revigoro Tonic Health Tea. Default decree of condemnation and destruction. (F. & D. nos. 35401, 35765. (Sample nos. 23002–B, 23304–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On April 23, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 packages of Revigoro Tonic Health Tea at Minneapolis, Minn. On July 16, 1935, a libel was filed in the Western District of Wisconsin, against 65 packages of the product at Madison, Wis. The libels alleged that the article had been shipped in interstate commerce on or about January 26 and February 27, 1935, by the Universal Pharmacal Co., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

A sample of the product taken from one of the shipments was found to consist of a mixture of powdered plant drugs including senna leaves, elder flowers, anise seed, licorice root, camomile flowers, cinnamon bark, buchu leaves, podophyllum root, wahoo bark, pipsissewa leaves, gentian root, snakeroot, squawroot, sarsaparilla root, and sassafras root.

The article was alleged to be misbranded in that the name "Revigoro Tonic Health Tea" and certain statements in the labeling falsely and fraudulently represented that it was effective to aid in the restoration of, to correct congested condition, to cleanse, tone, and revitalize the organs, glands, and tissues; effective in the treatment of chronic constipation, improper elimination, various acute and chronic affliction of the kidneys, bowels, liver, stomach, and bladder; effective as a tonic and alterative on the entire system, and to affect the genitourinary tract and prostate gland; effective to eliminate moisture flesh known as excess weight or obesity; effective to restore the system to function; effective to remedy disease and restore the body to a healthy normal condition; effective to relieve conditions responsible for ailments; effective to increase the secretions, remove impurities, and act as a tonic and alterative; effective in acid congestion and toxic poisoning; and effective in the treatment of heartburn, sour stomach, gastritis, and all symptoms of lack of proper function in some part of the system.

On June 20 and August 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25047. Misbranding of Requa's Charcoal Tablets. U. S. v. 117 Packages of Requa's Charcoal Tablets. Default decree of condemnation and destruction. (F. & D. no. 35424. Sample no. 30040–B.)

This case involved a product which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On April 24, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 packages of Requa's Charcoal Tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 25, 1935, by the S. & S. Drug Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Requa Manufacturing Company, New York."

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Metal container) "For All Stomach Troubles For Dyspepsia, Indigestion, &c. * * * Their action on the liver keeps it in a healthy active condition. These tablets can be used as a mild physic * * * They relieve Headache * * * Constipation, etc. * * * Also for general Bilious and Gastric affections of the stomach, Indigestion, * * * Rheumatism, etc. Clears the skin"; (circular) "Nature's Remedy For All Stomach Troubles Clears the Complexion * * * For Indigestion * * * Constipation and all stomach troubles Medicine won't cure Dyspepsia But all stomach troubles may be relieved by removing the cause of indigestion. * * * and will neutralize those gases that rise from imperfectly digested food and make life a torment to the dyspeptic. * * * are well known for their rapid action and great value for all stomach troubles. Used as the last resource when all other remedies fail to give relief. Requa's Charcoal Tablets give instant relief for Dyspepsia, Indigestion, Constipation, * * * Liver Trouble, * * * Malaria, Gastritis * * * fermentation, etc. For pimples on the face and clearing the skin there is nothing better, because Charcoal purifies the blood as it will water, and carries all the impurities off through the bowels, therefore making it one of the best Rheumatic Remedies known, Rheumatism being a Blood Disease. * * * a powerful, harmless antiseptic remedy. * * * For All Stomach Troubles * * * [testimonial] 'I have been using your Willow Charcoal Tablets freely during the past several months, chiefly for indigestion, but am convinced that they are also a good remedy for rheumatism, from which I have suffered off and on for many years, but have been comparatively free from it while using the Charcoal Tablets.' [order] 'My wife suffers from indigestion * * * Send me a box * * *'"

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25048. Misbranding of Terraline Plain, Terraline Creosote and Dr. Clark Johnson's Syrup. U. S. v. 33 Bottles of Terraline Plain, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35622, 35623, 35624. Sample nos. 16458–B, 16459–B, 16461–B.)

These cases involved drug preparations the labeling of which contained unwarranted curative and therapeutic claims. The labeling of the Terraline was further objectionable, since it created the impression that the article was thoroughly purified liquid petrolatum, whereas it was comparatively impure petroleum oil.

On June 12, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 33 bottles of Terraline Plain, 28 bottles of Terraline Creosote, and 12 bottles of Dr. Clark Johnson's Syrup at New Iberia, La., alleging that the articles had been shipped in interstate commerce between the dates of July 11, 1934, and February 12, 1935, by the Kells Co., from Newburgh, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part, respectively: "Terraline Petroleum Purificatum * * * The Hillside Chemical Company, Newburgh, N. Y."; "Terraline Petroleum Purificatum Creosote * * * The Hillside Chemical Co., Newburgh, N. Y."; "Dr. Clark Johnson's Syrup * * * Prepared by the Graefenberg Co., Newburgh, N. Y."

Analyses showed that the Terraline Plain consisted essentially of a partially purified fluorescent petroleum oil containing a considerable proportion of substances carbonizable by sulphuric acid; that the Terraline Creosote consisted essentially of a partially purified fluorescent petroleum oil and creosote; and that Dr. Clark Johnson's Syrup consisted essentially of extracts of plant drugs including an emodin-bearing drug, alcohol, sugar, benzoates, and water.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Terraline Plain) "Terraline Plain is prescribed for * * * autointoxication, with excellent results. Terraline Plain is a desirable vehicle for medicaments in the treatment of bronchial and pulmonary affections"; (Terraline Creosote) "Terraline is an excellent base for the treatment of pulmonary disorders with creosote—bronchial catarrh * * * and coughs—a * * * healing influence on the bronchial mucus membrane"; (Dr. Clark Johnson's Syrup) "A valuable Household Medicine for many troubles arising from a disordered condition of the Stomach, Liver and Bowels." Misbranding of the Terraline Plain and Terraline Creosote was alleged for the further reason that the statement on the label, "Petroleum Purificatum", was false and misleading, since it created the impression that the article was a thoroughly purified liquid petrolatum, whereas it was a comparatively impure petroleum oil.

On July 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25049. Misbranding of Lygel. U. S. v. 108 Kits of Lygel, et al. Default decree of condemnation and destruction. (F. & D. no. 35630. Sample nos. 35655–B, 35656–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On June 25, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 kits of Lygel and 48 packages of Lygel refills at Denver, Colo., consigned by Lehn & Fink, Inc., Bloomfield, N. J., alleging that the article had been shipped in interstate commerce in various shipments between the dates of January 31 and April 2, 1935, from the State of New Jersey into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Examination showed that the Lygel kits each contained one tube of jelly and an applicator. Analysis of the jelly showed that it consisted essentially of water and a gum with small amounts of a chloride, a phenolic compound, and perfume material. The Lygel refills each contained a tube of the jelly.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, contained in a circular shipped with the article, were false and fraudulent: "Prescribed by many Specialists for Leucorrhea, Cervicitis, Vaginitis, Cervical Ulceration, etc."

On August 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25050. Misbranding of Malvitose. U. S. v. 30 Cans of Malvitose. Default decree of condemnation and destruction. (F. & D. no. 35681. Sample nos. 31550–B, 37936–B.)

This case involved a product which was misbranded because of false and fraudulent curative and therapeutic claims in the labeling, and because of the false and misleading impression created by the labeling that the article contained appreciable amounts of all vitamins and appreciable amounts of alkaline ingredients.

On June 28, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of Malvitose at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1935, by Malvitose Laboratories, Inc., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sugars (at least 63.5 percent), protein (9.4 percent), fat (7.9 percent), and small proportions of inorganic constituents (ash 2.65 percent). Examination showed that it contained no detectable proportions of vitamin C and that a heaping teaspoonful of the product did not contain one-twentieth as much vitamin A as does 8 cubic centimeters (the average adult dose) of cod-liver oil.

The article was alleged to be misbranded in that the following statements on the label were false and misleading: "The Alkaline * * * Drink * * * Malvitose the Alkaline * * * Drink Malvitose is strictly alkaline, obtain-

ing this reaction from the constituent foods used, therefore making it unnecessary to add alkaline chemicals * * * Malvitose contains all the known vitamins * * * Guarantee—Malvitose is guaranteed by the Malvitose Laboratories, Inc., to comply with the standards fixed by the United States Government." Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Health * * * For deficiency diseases take three times daily * * * Health * * * to restore to the patient as nearly as possible that range which is maintained by the normal body. * * * to promote growth and health * * * essential to good health * * * Pathologic cases Treated Malvitose has been proven of inestimable value in such deficiency cases as Malnutrition, Hyperacidity, Anemia, Gastro and Duodenal Ulcers, Tuberculosis, Asthma, Mucus Colitis, Eczema, Constipation and diseases resulting from unbalanced and inadequate diets."

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25051. Misbranding of F. W. McNess' Sarsaparilla and Burdock Compound. U. S. v. 132 Bottles of F. W. McNess' Sarsaparilla and Burdock Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33645. Sample no. 47697-A.)

Examination of this article disclosed that its name did not represent its active ingredients; that its label did not correctly state its true alcoholic content and bore the inaccurate statement that it was a safe and appropriate tonic. It was found that the curative and therapeutic claims made for the article were unwarranted.

On October 10, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bottles of F. W. McNess' Sarsaparilla and Burdock Compound at Oakland, Calif., alleging that the article had been shipped, on or about March 24, 1934, by Furst & Thomas, from Freeport, Ill., to Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "F. W. McNess' Sarsaparilla and Burdock Compound * * * Manufactured by Furst-McNess Company * * * Freeport, Illinois, U. S. A."

Analysis of a sample showed that it consisted essentially of sugar, water, and alcohol (13.8 percent) with small amounts of sodium iodide, potassium iodide, an iron compound, and a laxative plant drug.

False and misleading branding of the article was charged (1) that the name "Sarsaparilla and Burdock Compound" did not denote the active ingredients of the article; (2) in that the picture of a plant on a circular shipped with the article, and a statement in the circular, namely, "From time immemorial housewives have made up various decoctions from barks and herbs", were misrepresentative of the composition of the article; (3) and that the following statements on the label and in a circular shipped with the article misrepresented it to be a safe and appropriate tonic for use by all persons: (Label) "Directions Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful 3 times a day. Adults—1 to 2 teaspoonfuls 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ"; (circular) "Directions for taking Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful, 3 times a day. Adults—1 to 2 teaspoonfuls, 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ." False and fraudulent branding of the article was charged (1) in respect to the following statements on the label and in a circular shipped with the article, regarding its curative or therapeutic effects, (label) "Tonic"; (circular)" Tonic * * * Springtime is when an individual is phlegmatic and sluggish * * * Then is the time when there is nothing in particular the matter, yet you feel the need of a tonic. * * * McNess Sarsaparilla and Burdock Compound supplies this tonic"; (label) "Directions Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful 3 times a day. Adults—1 to 2 teaspoonfuls 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ"; (2) in respect to the curative or therapeutic statements on the label, namely, that the article was a safe and appropriate tonic for use by all persons, because its administration as directed in the label would be potentially dangerous to persons afflicted with latent pulmonary

tuberculosis. Misbranding also was charged because the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On November 8, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25052. Adulteration and misbranding of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets. U. S. v. The G. F. Harvey Co. Plea of nolo contendere. Judgment of guilty. Fine, $200. (F. & D. no. 33989. Sample nos. 66256–A, 7446–B, 7447–B, 7449–B.)

This case involved the following products: Tincture of digitalis that had a potency of approximately twice the requirement of the United States Pharmacopoeia; nitroglycerin tablets that contained nitroglycerin in excess of the amount declared on the label; and strychnine sulphate tablets and strychnine nitrate tablets that contained less strychnine sulphate and less strychnine nitrate, respectively, than declared on the labels.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. F. Harvey Co., a corporation, Saratoga Springs, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about January 8 and August 14, 1934, from the State of New York into the State of New Jersey, of quantities of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets which were adulterated and misbranded.

The articles were labeled, variously: "Tincture Digitalis U. S. P., 10th Revis. * * * The G. F. Harvey Co., Pharmaceutical Manufacturers, Saratoga Springs, New York. * * *"; "Hypoder. Tab. Nitroglycerin 1-100 Grain"; "Hypodermic Tab. Strychnine Sulphate 1-60 Grain * * *"; "Hypoder. Tab. Strychnine Nitrate 1-60 Grain * * *."

The tincture of digitalis was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia in that it had a potency of approximately twice the requirement prescribed in the pharmacopoeia for tincture of digitalis; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged with respect to all products for the reason that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The tincture of digitalis was represented to conform to the test laid down in the United States Pharmacopoeia, tenth revision, whereas it was not tincture of digitalis which conformed to the test laid down in the said pharmacopoeia; the nitroglycerin tablets were each represented to contain one-hundredth of a grain of nitroglycerin, whereas each of said tablets contained more than so represented, namely, not less than 0.0128 grain, i. e., approximately one-eightieth of a grain of nitroglycerin; the strychnine sulphate tablets were each represented to contain one-sixtieth of a grain of strychnine sulphate, whereas each of said tablets contained less than so represented, namely, not more than 0.0147 grain (approximately one-seventieth of a grain) of strychnine sulphate; and the strychnine nitrate tablets were each represented to contain one-sixtieth of a grain of strychnine nitrate, whereas each of said tablets contained less than so represented, namely, not more than 0.0142 grain (approximately one-seventieth of a grain) of strychnine nitrate.

Misbranding was alleged for the reason that the statements "Tincture Digitalis U. S. P., 10th Revis.", "Hypoder. Tab. Nitroglycerin 1-100 Grain", "Hypodermic. Tab. Strychnine Sulphate 1–60 Grain", and "Tab. Strychnine Nitrate 1–60 Grain", borne on the labels of the respective products, were false and misleading, since the tincture of digitalis did not conform to the test laid down in the United States Pharmacopoeia, tenth revision; that nitroglycerin tablets contained more than one one-hundredth of a grain of nitroglycerin; and the strychnine sulphate tablets and strychnine nitrate tablets contained less than one-sixtieth of a grain of strychnine sulphate and strychnine nitrate, respectively.

On October 31, 1935, the defendant company was adjudged guilty upon a plea of nolo contendere, and was sentenced to pay a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

25053. Adulteration and misbranding of nitrous oxide. U. S. v. Five Cylinders of Nitrous Oxide and U. S. v. Three Cylinders Thereof. Default decree of condemnation and destruction. (F. & D. nos 35433, 35532. Sample nos. 19491-B, 35127-B.)

These two actions were based on shipments of a product which had been sold under the name "nitrous oxide." Examination disclosed that it differed from the standard for nitrous oxide as stated in the United States Pharmacopoeia. It also was found that the article had been manufactured in a State other than that which the label of the product represented as the State of manufacture and that other statements on the label were incorrect.

On April 25 and May 22, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a product sold as nitrous oxide, the two libels involving eight cylinders of the product, alleging shipments in interstate commerce on or about March 14, 1935 and March 20, 1935, respectively, by Wall Chemicals, Inc., from Detroit, Mich., to Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article shipped on March 14, 1935, was labeled in part: (Cylinder) "Nitrous Oxide for Anesthesia", "Manufactured and Guaranteed by the Cheney Chemical Company, Cleveland, Ohio"; (tag) "Smooth Flowing Nitrous Oxide Wall Cyl. No. G 166 gallons 3200 Wall Chemicals, Inc. Anhydrous—Laboratory analysis No. 3/14/35 L. V. L." The article shipped on March 20, 1935, was labeled in part: (Cylinder) "Anhydrous Nitrous Oxide."

Analyses of samples of the product showed that they differed from the pharmacopoeial standard in that they contained 20 percent and 25.7 percent, respectively, of gases uncondensed at the temperature of liquid air.

It was charged in each of the two libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down by said pharmacopoeia, and the article's own standard was not stated on its label.

Misbranding was charged in the libel filed April 25, 1935, in that the article was falsely labeled as to the State in which it was manufactured or produced, in that it was not manufactured or produced in the State of Ohio, and in that the statements on the label of the article, namely, "Nitrous Oxide for Anesthesia" and "Manufactured and Guaranteed by the Cheney Chemical Company, Cleveland, Ohio", were false and misleading in that the article did not consist solely of nitrous oxide and was not manufactured by the Cheney Chemical Co., Cleveland, Ohio, and in that the article was offered for sale under the name of another article, viz, "Nitrous Oxide." Misbranding was charged in the libel filed May 22, 1935, in that the statement in the labeling of the article, viz, "Anhydrous Nitrous Oxide", was false and misleading in that the article did not consist of nitrous oxide but consisted of a mixture of nitrous oxide with material portions of other gases.

On September 10, 1935, no claimant having appeared in either case, judgment of condemnation, forfeiture, and destruction of the contents of the cylinders was entered in each, the judgment providing that after execution thereunder the cylinders should be returned to Wall Chemicals, Inc.

W. R. GREGG, *Acting Secretary of Agriculture.*

25054. Adulteration of Kastor Gems, adulteration and misbranding of Vegex Vitamin Yeast Candy, and misbranding of Nyalyptus and Pfeiffer's Hamburg Tea. U. S. v. 22 Bottles of Nyalyptus (and other cases). Default decrees of condemnation and destruction. (F. & D. nos. 36305, 36306, 36307, 36308. Sample no. 33559-B.)

These cases included a lot of Kastor Gems and Vegex Vitamin Yeast Candy which were contaminated with insect excreta and other evidences of insect-infestation. The labeling of Vegex Vitamin Yeast Candy and the labeling of the two drug preparations, known as Nyalyptus and Pfeiffer's Hamburg Tea, which were also included, contained unwarranted curative and therapeutic claims.

On September 23, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 22 bottles of Nyalyptus, 24 packages of Pfeiffer's Hamburg Tea, 98 bars of Vegex Vitamin Yeast Candy, and 28 boxes of Kastor Gems, alleging that the articles had been shipped in interstate commerce on or about June 11, 1935, by the Fort Wayne Drug Co.,

from Fort Wayne, Ind., and charging adulteration and/or misbranding in violation of the Food and Drugs Act as amended.

Analysis of Nyalptus and Pfeiffer's Hamburg Tea showed that the former consisted essentially of creosote, eucalyptol, sugars, and water, and that the latter consisted of plant drugs, principally senna, with small proportions of fennel seed and anise seed. Examination of the Vegex Vitamin Yeast Candy and the Kastor Gems showed that the products were contaminated with insect excreta, larvae shells, and other evidence of insect-infestation.

The Vegex Vitamin Yeast Candy was alleged to be adulterated under the provisions of law applicable to food in that it consisted in whole or in part of a filthy animal substance. The Kastor Gems were alleged to be adulterated under the provisions of the law applicable to drugs in that the purity of the article fell below the professed standard under which it was sold, namely, "Pure Castor Oil In Delicious Chocolate Bon Bons." The Vegex Vitamin Yeast Candy, Nyalyptus, and Pfeiffer's Hamburg Tea were alleged to be misbranded under the provisions of the law applicable to drugs in that the following statements regarding their curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Vegex Vitamin Yeast Candy, display carton) "Health Food * * * Aids Digestion, Helps Preserve Teeth. Stimulates Vigor * * * Health", (outside wrapper) "Health Value * * * aid digestion * * * stimulates energy, promotes good health", (inside wrapper) "For high health and vitality"; (Nyalyptus, carton) "For coughs, bronchitis * * * Hoarseness, Loss of Voice, Distress of Asthma * * * The * * * Cough Syrup", (bottle) "For Coughs, Bronchitis * * * Loss of Voice and Distress of Asthma"; (Pfeiffer's Hamburg Tea) "An Unfailing Preventive of Influenza."

On November 27, November 29, and December 2, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25055. U. S. v. King & Howe, Inc. and Royal Indemnity Co. Suits instituted for invoice value of three lots of imported stramonium leaves which had been entered under term entry bond and subsequently found to be adulterated. Verdicts and judgments for the Government. Affirmed.

On February 17, March 10, and April 18, 1930, three lots of stramonium leaves were entered at the port of New York under a term entry bond conditioned that the drug comply with the requirements of all laws of the United States. The drug, upon examination by this Department, was found to differ from the standard prescribed in the United States Pharmacopoeia. The importer was notified that the drug was adulterated in violation of the Food and Drugs Act and instructed to surrender it for export or destruction under customs supervision, and upon refusal to comply with said instructions suits were instituted by the Government on March 16, 1931, in the district court for the Southern District of New York against King & Howe, Inc., and the Royal Indemnity Co., principal and surety, respectively, on the bond.

On February 5 and 6, 1934, the cases were tried and verdicts were returned for the Government. On July 18, 1934, judgments were entered for $8,381.43, less duties which had been paid. On July 16, 1935, the judgments of the district court were affirmed in the Circuit Court of Appeals for the Second Circuit, the court handing down the following opinion:

Swan, *Circuit Judge:* These two actions were tried together upon stipulated facts before a jury of one which was directed to return a verdict for the plaintiff.

Both actions are upon the same bond and each deals with an importation of stramonium herbs in bales. Upon arrival these herbs were delivered by the collector of customs to the importer, King & Howe, Inc. under a term entry bond executed by the importer as principal and Royal Indemnity Company as surety. The complaints allege that the herbs were imported under a name recognized in the United States Pharmacopoeia and were found, upon an examination of samples, to vary from the Pharmacopoeia standard. Because of noncompliance in this respect with the provisions of the Food and Drugs Act, 21 USCA) the importer was instructed to destroy or export the herbs within three months, and on failure to do so was notified to return them to customs custody. The importer failed to redeliver them to customs custody and thereby incurred, it is charged, a penalty of a sum equal to the invoice value of the merchandise plus duty thereon. To recover this sum suit was brought upon the bond. The appel-

lant disputes that there was non-compliance with the Food and Drugs Act and contends also that there was no breach of the bond because its terms did not require redelivery of the merchandise to the collector upon his demand.

Before proceeding to the merits of the controversy it is necessary to consider a question of appellate jurisdiction suggested, but not argued, by the appellee. Such a question must be decided even though the parties do not press it. The judgment was joint against principal and surety but the surety alone appealed. This would be a fatal defect unless there was a summons and severance or something equivalent thereto. *Hartford Accident & Indemnity Co.* v. *Bunn*, 285 U. S. 169; *Schwartz* v. *Weingart*, 76 F. (2d) 863 (C. C. A. 2). It appears from a stipulation filed in this court that in each of the cases the petition and order allowing the appeal, the assignment of errors and the citation were duly served upon the defendant King & Howe, Inc. and its attorneys. Within the principles discussed in *Masterson* v. *Herndon*, 10 Wall. 416, we think this was sufficient to enable the surety to prosecute its appeal alone. Mr. Justice Miller there stated that the Supreme Court did not attach importance to the technical mode of proceedings called summons and severance but would have sustained the appeal had it appeared in any way by the record that the non-joining defendant had been notified in writing to appear and had failed to do so. He intimated that a failure to appear after notice would estop the non-joining party from bringing another appeal from the same matter, and would permit the court to execute the judgment against him. In the Bunn case, already cited, Mr. Justice McReynolds noted at page 177 that there was no summons and severance, "nor any notice equivalent thereto." See also *Farmers' Loan & Trust Co.* v. *McClure*, 78 F. 211, 213 (C. C. A. 8); *Am. Baptist Home Mission Society* v. *Barnett*, 26 F. (2d) 350, 352 (C. C. A. 2).

The present record contains no bill of exceptions signed or allowed by the district judge. The appellee contends that we are therefore confined to a review of the judgment roll and can consider only whether the pleadings are sufficient to support the judgment. Such is the general rule. *United States* v. *Hill*, 34 F. (2d) 133, 135 (C. C. A. 2). The appellant, however, urges that the stipulated facts may be considered although not incorporated in a bill of exceptions. See *Mound Coal Co.* v. *Jeffry Mfg. Co.*, 240 F. 129, 130 (C. C. A. 4). But it is unnecessary to decide whether the stipulated facts are before us. If the complaint is defective, the stipulated facts, if considered, contain nothing which could cure such defect, and, if it is sufficient, there is nothing in the evidence that would aid the appellant.

The appellant contends that the complaint is fatally defective in that it fails to allege non-compliance with the Food and Drugs Act. The allegation in question states that from an examination of samples the "importation was found not to comply with the provisions of the Food and Drugs Act of June 30, 1906, and amendments, in that it was found to be adulterated, since it is a drug under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity given therein." The appellant argues that within the definition of adulteration in drugs, as stated in section 7 of the act and the regulations adopted pursuant to section 3 thereof, a drug is not adulterated, even though it deviates from the standard set out in the official Pharmacopoeia, if it is properly labeled, and, therefore, the complaint must also charge that it was not properly labeled. Section 7 reads as follows (34 Stat. 769):

> * * * for the purposes of this Act an article shall be deemed to be adulterated: In case of drugs:
> First, If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

The regulations appear in Circular 21, 8th Revision, issued by the U. S. Department of Agriculture, August 7, 1922, and Regulation 8, section 7 reads as follows:

> (a) A drug sold under or by a name, or a synonym, recognized in the United States Pharmacopoeia or National Formulary, unless labeled as prescribed by paragraph (b) of this regulation, shall conform to the standard of strength, quality, or purity for the article as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation * * *

(b) A drug sold under or by a name, or a synonym, recognized in the United States Pharmacopoeia or National Formulary which does not conform to the standard of strength, quality, or purity for the article as determined by the test laid down therein shall be labeled with a statement to the effect that the drug is not a United States Pharmacopoeia or National Formulary article; in addition it shall be labeled with a statement showing its own actual strength, quality, or purity, or else with a clear and exact statement of the nature and extent of the deviation from the standard of strength, quality, or purity set out for such article in the United States Pharmacopoeia or National Formulary.

It is a recognized rule of pleading that where a party relies upon a statute containing a general clause followed by an exception or proviso in a subsequent substantive clause, such exception is a matter of defense and need not be negatived. *United States* v. *Cook*, 17 Wall. 168, 176; *Schlemmer* v. *Buffalo*, Rochester, etc. Ry., 205 U. S. 1, 10; *Manhattan Oil Co.* v. *Mosby*, 72 F. (2d) 840, 843 (C. C. A. 8); *United States* v. *Murphy & Co.*, 7 Cust. App. 35, 37; *Steel* v. *Smith*, 1 B. & Ald. 95, 99. Within this rule we think the complaint sufficiently charged a violation of the statute by alleging the importation of a drug differing from the standard required by the Pharmacopoeia, and that it was for the defendants to allege and prove the defense of proper labelling, if it was so labeled as to come within the proviso. Although in the regulations the exception is incorporated in the body of the general clause, this difference in form cannot affect the nature of the proviso as contained in the statute, and does not, in our opinion, change the rule of pleading.

The appellant's second contention is that the complaint is insufficient in that it does not allege that the Secretary of Agriculture certified to the United States district attorney the facts showing violation of the law, with a copy of the results of the chemical analysis authenticated by the oath of the analyst, as provided in section 4. In *United States* v. *Morgan*, 222 U. S. 274 it was held that compliance with the provisions of section 4 was not a condition precedent to a criminal prosecution. A similar ruling has been made in libels for forfeiture of adulterated or misbranded articles. *United States* v. *W. T. Rawleigh Co.*, 57 F. (2d) 505; *United States* v. *Sixty-Five Casks Liquid Extracts*, 170 F. 449 (D. C. W. Va.) aff'd, 175 F. 1022 (C. C. A. 4); *United States* v. *Seventy-Five Barrels of Vinegar*, 192 F. 350 (D. C. Iowa); United States v. *Fifty Barrels of Whiskey*, 165 F. 966 (D. C. Md.). The reasoning of these cases is equally applicable to the present suit. Finally, the appellant argues that the complaint charges no breach of the bond because there is no allegation of a failure to comply with any of its conditions.[1] The contention is that where merchandise has been delivered by the collector, neither destruction, exportation, nor redelivery can be enforced unless a bond has been given so requiring, and that the bond at bar has no such provision. The bond in suit binds the obligors to "comply with all the conditions required by Part 3 of Title IV of the Tariff Act of 1922." Part 3 of Title IV includes section 486 of the Tariff Act (19 USCA sec. 358) which requires the giving of a bond having certain conditions, one of which is to return to the collector, on demand by him, any merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States. The bond in suit does not expressly state this condition but we think the bond must be read as incorporating it by reference in the clause "comply with all the conditions required by Part 3 of Title IV of the Tariff Act of 1922", which embraces section 486. If this clause merely bound the obligors to give a bond having the conditions specified in that section, the bond in suit was a bond to give a bond. That was certainly not the intention of the parties. This was the only bond contemplated, and when it refers to the conditions required by Part 3 of Title IV of the Tariff Act it was intended to bind the obligors to do the things required as conditions by a bond such as that section describes. That such was the intention finds corroboration, if any is needed, in the fact that the bond is on a form bearing the caption "Term Entry Bond."

[1] After reciting that the principal expects to enter imported articles within a period of one year after July 27, 1929, and desires delivery prior to the ascertainment, among other things, as to the right of said articles to admission into the United States, the condition of the bond is stated as follows:

"If the said obligors shall produce to the Collector of Customs all the documents, and shall perform all acts, and comply with all the conditions required by Part 3 of Title IV of the Tariff Act of 1922, and shall comply with the requirements of all other laws and regulations made in pursuance thereof relating to the importation and admission of said articles into the commerce of the United States, then this obligation shall be void; otherwise it shall remain in full force and effect to the extent and in such amounts as liquidated damages as may be demanded by the Collector in accordance with law and regulations not exceeding the penal sum of this obligation, for any breach or breaches thereof."

(To redeliver merchandise, to produce documents, to pay duties and charges due on final liquidation, etc., and to perform all conditions required by Part 3 of Title IV of the Tariff Act of 1922, and all other laws and regulations made in pursuance thereof.)

Of the actual intention of the parties there can be no doubt. We think the bond, though inartistically drawn, is adequate to express that intention.

Appellant relies upon several cases which it urges compel the conclusion that a bond omitting specific provisions required by statute will not be construed to contain them. *United States* v. *Starr*, 20 F. (2d) 803 (C. C. A. 4); *United States* v. *American Fence Construction Co.*, 15 F. (2d) 450 (C. C. A. 2); *United States* v. *Stewart*, 288 F. 187 (C. C. A. 8); *United States* v. *Montgomery Heating & Ventilation Co.*, 255 F. 683 (C. C. A. 5); *Babcock & Wilcox* v. *American Surety Co.*, 236 F. 340 (C. C. A. 8). *United States* v. *Starr*, *supra*, which may be taken as typical, was an action by materialmen to recover on a bond given by a contractor for the faithful performance of a contract with the United States. Neither the bond nor the contract, which the bond incorporated by reference, contained any obligation for the payment of laborers and materialmen. The contract did, however, require the contractor to furnish a bond for the protection of "laborers and/or materialmen, as may be required by the laws of the United States." The court denied recovery, refusing to construe the bond as incorporating the condition of a bond such as the statute specified. We think those cases do not control the construction of the bond now in suit. The bonds there involved made no reference to the statute and were conditioned only on performance of the contracts, which, as already stated, contained no obligation for the payment of materialmen. Although the contract bound the contractor to furnish a bond in the statutory form, there was nothing in the bond actually furnished to indicate that it was intended to be so conditioned. In the present case, however, the bond furnished expressly refers to the statute (section 486) and this reference would be meaningless unless construed as we have indicated.

The appellant requests us to take judicial notice that the form of the bond in suit (Customs Form 7553) was subsequently revised so as to provide expressly for redelivery of the merchandise when demanded by the collector (T. D. 45474, Treasury Decisions, Vol. 61, page 369). Assuming that such judicial notice is permissible, we cannot accept the argument based upon it. The Treasury Department's revision of Customs Form 7553 may well have been out of abundant caution, or for some other reason, and is by no means an administrative interpretation or admission that the original form did not bind the obligors to redeliver the merchandise to the collector. In our opinion the district court correctly construed the bond, and the judgments are affirmed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25056. Adulteration and misbranding of fluidextract of ginger. U. S. v. Rebecca Toy, Philip Toy, and the Empire Spice Co. Pleas of nolo contendere. Fines, $9. (F. & D. no. 26565. I. S. no. 026585.)

This case was based on an interstate shipment of fluidextract of ginger which was represented to be of pharmacopoeial standard. Examination showed that the article did not conform to the standard laid down in the United States Pharmacopoeia, since it contained rosin, an ingredient not prescribed by that authority; that it contained less alcohol than declared on the label; and that the labeling contained unwarranted curative and therapeutic claims.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rebecca Toy and Philip Toy, individuals, and the Empire Spice Co., a corporation, Boston, Mass., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 20, 1930, from the State of Massachusetts into the State of Rhode Island of a quantity of fluidextract of ginger which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in that authority in that it contained rosin, and it contained 69.24 percent of alcohol; and 1,000 cubic centimeters of the article did not represent 1,000 grams of ginger; whereas the pharmacopoeia does not prescribe rosin as a constituent of fluidextract of ginger, and provides that fluidextract of ginger shall contain

not less than 78 percent of alcohol, and that 1,000 grams of ginger with not less than 78 percent of alcohol will represent 1,000 cubic centimeters of fluidextract of ginger, and the standard of strength, quality, or purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to be fluidextract of ginger of pharmacopoeial standard and to contain approximately 85 percent of alcohol; whereas it did not conform to the standard prescribed in the said pharmacopoeia and contained less than 85 percent of alcohol, namely, 69.24 percent of alcohol.

Misbranding was alleged for the reason that the statements, "Absolutely Pure", "Fluid Extract of Ginger U. S. P.", and "Alcohol approximately 85%", borne on the bottle label, were false and misleading. Misbranding was alleged for the further reasons that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein, and that certain statements appearing on the bottle label falsely and fraudulently represented that it was effective as a family medicine for the relief of cramps and diarrhoea.

On August 5, 1935, the defendants entered pleas of nolo contendere and were each fined $3.

W. R. Gregg, *Acting Secretary of Agriculture.*

25057. Misbranding of Liq Medc in Bulk. U. S. v. Austin E. Dolan, trading as Dolan Drug & Chemical Co. Plea of nolo contendere. Fine, $10. (F. & D. no. 28173. I. S. no. 029678.)

The package of this article failed to bear a statement on the label of the quantity or proportion of alcohol in the article.

On February 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Austin E. Dolan, trading as Dolan Drug & Chemical Co., Chelsea, Mass., alleging shipment by said Dolan, in violation of the Food and Drugs Act, on or about February 24, 1930, from Boston, Mass., to Cincinnati, Ohio, of a quantity of a drug described as Liq Medc in Bulk which was misbranded. The article was labeled in part: (Barrels) "Dolan Drug & Chem. Co., Boston, Mass. 454–86."

Anaylsis of a sample of the drug disclosed that it was not fluidextract of ginger, U. S. P., but a mixture of substances including alcohol (83.36 percent by volume), rosin, and tricresyl phosphate (2.2 grams per 100 cubic centimeters of the article).

Misbranding was charged in that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion thereof in the article.

On August 19, 1935, a plea of nolo contendere was entered and a fine of $10 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25058. Misbranding of Ray X Water. U. S. v. Nine Cases of Ray X Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30063. Sample no. 4608–A.)

The label of this product bore a statement and a design that misrepresented its composition, and contained unwarranted curative and therapeutic claims.

On October 27, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of Ray X Water at Ft. Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about February 27, 1933, by the Ray X Corporation, Toledo, Ohio, from that place to Fort Wayne, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "One Gallon * * * Ray X Registered U. S. Pat. Office Ray-X-Corporation 337 20th Street Toledo Ohio."

The bottle label bore a circular design with lines radiating from it and the term "Ray X" forming a part of such design.

Analysis showed that the article consisted of water containing small proportions of salts in solution and that it possessed no radioactivity.

The article was alleged to be misbranded in that appearing upon and within the packages and cases of the article were statements importing and implying

that it possessed radiant energy, which statements were false and misleading; and in that appearing upon and within the packages and cases of the article were false and fraudulent statements that it was effective, among other things, as a treatment for tuberculosis, dropsy, liver trouble, arthritis, anemia, general physical disability, streptococcus infection, gall bladder infection, duodenal ulcer, gastric ulcer, prostate glandular trouble, superacidity, infected navel, sinus infection, acute indigestion, stomach ulcers, bowel trouble, digestive disorders and headaches, and was effective also in the treatment of low blood pressure and as a blood purifier; and in that the circular design with lines radiating from it with the term "Ray X" printed on the bottle label and appearing upon and within the packages and cases of the product, was false and misleading in that thereby it was imported and implied that the article possessed radiant energy.

On January 30, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25059. Adulteration and misbranding of fluidextract of ginger and misbranding of liquid medicine. U. S. v. Harry Gross and Max Reisman. Pleas of guilty. Fine, $9 as to each defendant. (F. & D. no. 30146. I. S. nos. 027326, 027333, 41224.)

The fluidextract of ginger was sold under a name recognized in the United States Pharmacopoeia and differed from the standard stated in that authority. It also fell below the professed standard or quality under which it was sold, and was an imitation of and was offered for sale under the name of another article. The packages of the two products failed to bear statements on their labels of the quantity or proportion of alcohol they contained.

On February 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Gross, Sharon, Mass., and Max Reisman, Boston, Mass., alleging shipments by them, in violation of the Food and Drugs Act, on March 3, 5, 7, 10, 12, 15, and 19, 1930, from Boston, Mass., to various destinations in other States, of quantities of fluidextract of ginger which was adulterated and misbranded, and of liquid medicine which was misbranded. The fluidextract of ginger was unlabeled, but each shipment thereof had been invoiced as "1 bbl. Fluid Extract of Ginger U. S. P." The liquid medicine was labeled in part, variously: (Barrels) "Liquid Medicine In Bulk. Caution", "445 78 Hub Products, Boston, Mass.", "Liquid Medicine."

Analyses showed that the fluidextract of ginger was a mixture of substances including phenols and alcohol (79.36 percent); that the liquid medicine contained a large percentage of alcohol, a phenolic compound, and a phosphate compound suggesting the presence of tricresyl phosphate.

The fluidextract of ginger was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation of said article, in that said article contained phenols, not mentioned in said pharmacopoeia as constituents of fluidextract of ginger; and the standard of strength, quality, and purity of said article was not declared on the container thereof; said article was further adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that said article was represented to be fluidextract of ginger U. S. P.; whereas in truth and in fact, said article was not fluidextract of ginger U. S. P., but was a product composed in part of phenols.

The same article was alleged to be misbranded in that it was a product composed in part of phenols prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article, to wit, fluidextract of ginger, U. S. P.; and in that it contained alcohol and the label on the package failed to bear a statement of the quantity and proportion of alcohol contained therein. Further misbranding of the fluidextract of ginger, also of the liquid medicine, was charged in that each contained alcohol and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 1, 1935, pleas of guilty were entered and a fine of $9 was imposed upon each defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25060. Misbranding of Walnut Grove Hog Conditioner. U. S. v. Walnut Grove Products Co., Inc., a corporation. Plea of nolo contendere. Fine, $50. (F. & D. no. 30248. Sample no. 6339–A.)

Unwarranted curative and therapeutic claims were made for this article.

On March 20, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walnut Grove Products Co., Inc., a corporation, alleging that it had shipped from Atlantic, Iowa, to Ames, Nebr., on or about February 16, 1932, a quantity of the drug named in the caption hereof, and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Walnut Grove Hog Conditioner Specific Manufactured by Walnut Grove Products Co., Atlantic, Iowa."

Analysis showed that the article's ingredients were charcoal, ferrous sulphate, sodium chloride, copper sulphate, sodium bicarbonate, calcium carbonate, sulphur, linseed meal, cereal hulls, and weed-seed coats.

It was charged that the product was misbranded in that its sacks bore, and a circular enclosed in the sacks, contained false and fraudulent statements that it was effective, among other things, as a hog conditioner; effective as a treatment, remedy, and cure for intestinal disorders such as necro; effective as a hog conditioner specific; effective as a treatment, remedy, and cure for necrotic enteritis and other digestive troubles; effective as a treatment, remedy, and cure for digestive disturbances; effective to rid hogs of worms; effective as a treatment, remedy, and cure for white scours in suckling pigs; and effective as a treatment, remedy, and cure for hog diseases such as necrotic enteritis and flu.

On September 25, 1935, a plea of nolo contendere was entered and a fine of $50 was imposed. Costs were awarded against the defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25061. Misbranding of The Golden Chemical Compound. U. S. v. George Grant Robinson, trading as International Chemical Co. Plea of guilty. Imposition of sentence suspended and defendant placed upon probation for 2 years. (F. & D. no. 30334. Sample no. 6248–A.)

The bottle labels of this drug and the carton in which it was shipped bore, and a display card and circular enclosed in the carton contained, unwarranted statements concerning the curative and therapeutic effects of the article. The display card bore an incorrect statement concerning the potency of the drug.

On December 28, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George Grant Robinson, trading as the International Chemical Co., alleging shipment by the said Robinson, in violation of the Food and Drugs Act, on or about December 9, 1932, from Topeka, Kans., to Oklahoma City, Okla., of a quantity of a drug described as The Golden Chemical Compound, and alleging that the drug was misbranded. The article was labeled in part: (Bottles) "The Golden Chemical Compound * * * Prepared by The International Chemical Co., Topeka, Kansas."

Analysis of a sample disclosed the article to be a dark reddish-brown aqueous solution, consisting of ferric and ferrous sulphate.

It was charged that the article was misbranded in that the bottle labels and carton and a display card and circular enclosed in the carton bore and contained statements that falsely and fraudulently represented that the article was effective, among other things, as a treatment for all kinds of sore throat, tonsillitis, diphtheritic and scarlet fever sore throat, sore mouth and gums, trench mouth, pyorrhea, catarrh, sinus trouble, old sores, itch of all kinds, eczema, erysipelas, ringworm, bleeding piles, and diphtheria; effective to cure by removing the cause thereof; effective as a preventive of blood poisoning; and effective to stop all discharges in female disorders and leucorrhea. Misbranding was further charged in that the statement, to wit, "The Most Powerful Germicide Known", borne on the display card, was false and misleading, in that the article was not the most powerful germicide known.

On September 16, 1935, a plea of guilty was entered, sentence was suspended, and defendant was placed upon probation for 2 years.

W. R. Gregg, *Acting Secretary of Agriculture.*

25062. Misbranding of Lydia E. Pinkham's Tablets. U. S. v. 84 Packages of Lydia E. Pinkham's Tablets, and two other libels against the same product. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 30578, 30579, 30580. Sample nos. 31899–A, 31900–A, 42901–A, 42902–A.)

Examination of the drug preparation, Lydia E. Pinkham's Tablets, disclosed that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it in statements borne on the carton and bottle label of the product and in a circular that accompanied shipments of it. The bottle label bore the statement in part: "For functional ailments of women such as irregular or suppressed menstruation, excessive menstruation, painful menstruation."

On June 10, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 142½ packages of Lydia E. Pinkham's Tablets, alleging that the article had been shipped in interstate commerce on or about various dates in the period from March 20, 1933, to May 24, 1933, by the Lydia E. Pinkham Medical Co., from Lynn, Mass., into New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in each of the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and bottle label) "For functional ailments of women such as irregular or suppressed menstruation, excessive menstruation, painful menstruation"; (circular) "Amenorrhea (Irregularity or absence of the menstrual flow) Functional or secondary amenorrhea is the name given to those cases in which the patient with normal generative organs and in average health, ceases to menstruate without any apparent objective cause, local or constitutional. This condition may be caused by sudden excitement, mental shock or fright, by change of climate or occupation; by overstudy or nervous exhaustion; also by taking cold or getting the feet wet during the menstrual period. Treatment: In cases of functional amenorrhea take Lydia E. Pinkham's Tablets according to directions, and continue until relief is obtained. They are indicated when the menstrual function fails to appear, or later when there is irregularity or absence of the menstrual flow. In some cases, relief may be obtained by taking two to four tablets every three or four hours, two or three days before the expected sickness. The young girl entering womanhood (usually from her twelfth to her fifteenth year) * * * In cases of prolonged amenorrhea it may be best to take her out of school for a while. Give strict attention to keeping the bowels open as constipation is closely associated with amenorrhea. * * * Primary amenorrhea may be caused by imperfect development; constitutional disturbances such as chlorosis, tuberculosis, diabetes, inflammation of the kidneys, syphillis, etc.; defective ovarian action. In cases where primary amenorrhea is indicated, consult your doctor. Essential Dysmenorrhea (Painful Menstruation) This is characterized by severe cramp-like pains in the lower abdomen at the time of menstruation. The patient is entirely free from pain between periods. At the menstrual period, just before or at the appearance of blood, the patient is seized with severe cramp-like pains in the lower abdomen which extend into the back or down the legs, lasting from a few hours to one or two days. Severe headache and a feeling of uneasiness or general discomfort are often present. Vomiting is not uncommon. Treatment: Take Lydia E. Pinkham's Tablets according to directions, and continue the treatment for a time, that you may obtain permanent relief. In some cases the pain and discomfort may be avoided by taking two to four tablets every three or four hours, two or three days before the expected period and continuing until it is over. In cases of severe pain favorable results are often obtained by taking the tablets with warm tea. In all cases of dysmenorrhea give close attention to the general health. * * * Keep the bowels open, for painful menstruation is often associated with constipation. * * * A careful observance of these rules, in conjunction with these tablets, should rapidly relieve the pain and discomfort, and the patient, after a while, can resume her regular habits during such times. Menorrhagia (Excessive Menstruation) Excessive menstruation may consist of an increased amount of blood at the usual menstrual period, or a prolongation of the period, or its too frequent recurrence. It is believed to be caused by a disturbance of the internal secretion of the ovaries or of other internal secretory glands. It may also be caused by defective muscles of the uterus or

changes of the circulatory apparatus. There is no doubt that a loss of tone in the muscles of the uterus, with consequent insufficiency of uterine contraction plays an important role in these cases. Treatment: Take Lydia E. Pinkham's Tablets as directed and continue the treatment for some time. If you have reason to suspect a uterine tumor in connection with Menorrhagia, consult your Doctor. General Rundown Condition, Nervousness and Irritability. Women are often subject to a general physical upset by lack of function of the generative organs. Especially is this so regarding the ovaries, and any lack of function of these glands results in a general upset of the other organs of the body. Some of the common symptoms are: Nervousness, tired feelings, headaches, dizziness, achy feelings in various parts of the body, irritability, excitability, sleeplessness, poor appetite and 'blue' spells. There is usually a feeling of lassitude resulting in the patient being forced to stop even her ordinary occupation, or duties owing to this feeling of exhaustion. This may be associated with headache or a feeling of pressure in the head, pains in the back and sleeplessness. The digestion is often upset, certain foods causing a heavy feeling, general soreness in the abdomen, gas and nausea. Treatment: Take Lydia E. Pinkham's Tablets as directed and continue the treatment for some time. A glass of warm milk or malted milk taken with the tablets upon retiring will promote a favorable effect."

An answer by the Lydia E. Pinkham Medical Co., denying all material allegations of the libel was made in each case. Motions by the company to adjourn the trial of the cases beyond the June Term 1935 were denied. Motion in each case for leave to withdraw the answer therein was granted.

On August 10, 1935, default in answering existing in each case, a decree of condemnation, forfeiture, and destruction, and for costs was entered in each.

W. R. Gregg, *Acting Secretary of Agriculture.*

25063. Misbranding of Hinkle's Kidney And Bladder Capsules. U. S. v. Leon Evans, trading as the Hinkle Capsule Co. Plea of guilty. Fine, $25. (F. & D. no. 31356. Sample no. 34271–A.)

The label on the packages of this article bore, and a circular enclosed in the packages contained, unwarranted curative and therapeutic claims.

On July 9, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leon Evans, trading as the Hinkle Capsule Co., Mayfield, Ky., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 14, 1932, from Mayfield, Ky., to Cairo, Ill., a number of packages of Hinkle's Kidney and Bladder Capsules which were misbranded. The article was labeled in part: (Packages) "Hinkle's Kidney and Bladder Capsules Hinkle Medical Co., Inc., Mayfield, Kentucky."

Analysis showed that the article consisted essentially of powdered cubeb and santal oil with small proportions of iron, calcium, magnesium, sodium, and potassium compounds.

It was charged that the drug was misbranded in that the packages and boxes and a circular enclosed in the packages bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for kidney and bladder troubles; effective as a preventive of getting up at nights; effective as a preventive of diabetes, Bright's disease, and many other serious renal ailments; effective to promote and maintain a sanitary condition of the kidneys and bladder and to assist nature in restoring normal action by making the kidneys and bladder sound and healthy and able to resist disease; and effective to insure healthy kidneys and bladder.

On April 15, 1935, a plea of guilty was entered and a fine of $25 imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25064. Adulteration of (1) Fluid Ex. Stramonium; (2) Sol Ammonium Acetate (Spirit of Mindererus); (3) No. 638 Spirit Nitrous Ether; (4) Spirit Ammonia Arom.; (5) Syrup Hydriodic Acid; (6) Tincture Cinchona Compound; (7) No. 187 Elixir Glycerophosphates Compound; (8) Compressed Tablets 500 No. 1050 Aikens Tonic; (9) Fluid Extract Belladonna Leaves; (10) Fluid Extract Belladonna Root; (11) Fluid Extract Hyoscyamus. U. S. v. Sutliff & Case Co., Inc., a corporation. Plea of guilty. Fine, $385 and costs. (F. & D. no. 31422. Sample nos. 17021–A, 17024–A, 17030–A, 17113–A, 17115–A, 17116–A, 17121–A, 25505–A, 25510–A, 25511–A, 25513–A.)

This case was based on shipments of various drugs each of which, in one or more respects, failed to conform to the requirements of the Food and Drugs

Act that relate to the standard of strength, quality, or purity, or to the professed standard or quality of drugs sold in interstate commerce.

On June 19, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 10, July 8, August 23, 24, and 25, 1932, from the State of Illinois into the State of Missouri of quantities of drugs which were adulterated.

The articles were alleged to be adulterated in the following respects: The fluidextract of stramonium differed from the specifications in the National Formulary (fifth edition) in that it contained more than 0.28 gram of the alkaloids of stramonium per 100 cubic centimeters, namely, 0.387 gram; the solution of ammonium acetate differed from the requirements of the United States Pharmacopoeia (tenth revision) in that it contained less than 6.5 grams of ammonium acetate per 100 cubic centimeters, namely, not more than 5.63 grams; No. 638 Spirit Nitrous Ether differed from the specifications in the pharmacopoeia (tenth revision) in that it contained more than 4.5 percent of ethyl nitrite, namely, 5.28 percent; the aromatic spirit of ammonia differed from the specifications in the pharmacopoeia official at the time of investigation, in that it contained less than 18.39 grams of ammonia per 1,000 cubic centimeters, namely, 15.47 grams; the syrup of hydriodic acid differed from the pharmacopoeial standard in that it contained less than 1.3 grams of hydriodic acid per 100 cubic centimeters, namely, not more than 1.21 grams; that tincture of cinchona compound differed from the pharmacopoeial standard in that it contained less than 0.4 gram of the alkaloids of cinchona per 100 cubic centimeters, namely, not more than 0.24 gram; the elixir of glycerophosphates compound differed from the pharmacopoeial standard in that it contained less than 35 grams of sodium glycerophosphate per 1,000 cubic centimeters, namely, not more than 16.1 grams, more than 3 grams of ferric glycerophosphate per 1,000 cubic centimeters, namely, 8.98 grams, and more than 2 grams of soluble manganese glycerophosphate per 1,000 cubic centimeters, namely, not less than 3.47 grams; Compressed Tablets 500 No. 1050 Aikens Tonic differed from the requirements of the National Formulary in that each tablet contained less than one-fiftieth of a grain of arsenic trioxide, namely, not more than 0.0162 grain, and less than 1 grain of quinine sulphate, namely, not more than 0.74 grain; the fluidextract of belladonna leaves differed from the specifications in the pharmacopoeia in that it contained more than 0.33 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters, namely, not less than 0.35 gram; less than 60 percent of alcohol (the amount declared on the label), namely, not more than 47.02 percent, and less than 0.3 percent of mydriatic alkaloids; the fluidextract of belladonna root differed from the specifications in the pharmacopoeia in that it contained less than 59 percent of alcohol (the amount declared on the label), namely, not more than 49.6 percent; and the fluidextract of hyoscyamus differed from the pharmacopoeial standard in that it contained more than 0.75 gram of the alkaloids of hyoscyamus per 100 cubic centimeters, namely, not less than 0.108 gram, and less than 58 percent of alcohol, namely, 54.9 percent.

On December 17, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $385 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25065. Misbranding of Peet Protection Powder. U. S. v. E. M. Peet Manufacturing Co., a corporation, and Ernest M. Peet, its president. Jury trial. Conviction. Each of the two defendants fined $200, and costs. (F. & D. no. 31462. Sample no. 6394–A.)

Unwarranted curative and therapeutic claims were made for this article.

On May 1, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the E. M. Peet Manufacturing Co., Inc., a corporation, and Ernest M. Peet, its president, Council Bluffs, Iowa, charging shipment by them on or about August 1, 1932, from Council Bluffs, Iowa, to Grand Island, Nebr., of a quantity of the product named in the caption hereof, and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Peet Protection Powder Makes Poor Hogs Good Makes Good Hogs Better For Hogs Horses Cattle and Sheep E. M. Peet Manufacturing Company Council Bluffs, Iowa."

Analysis showed the article consisted essentially of sodium sulphate anhydrous, sodium bicarbonate, small proportions of charcoal, sulphur, calcium carbonate, sodium thiosulphate, and American wormseed.

Misbranding was charged under the allegation that the sacks and a circular in the sacks bore statements, designs, and devices that falsely represented that the article was effective, among other things, as a preventive of death; effective to insure health to hogs; effective to prevent brood sows going dry; effective as a treatment, remedy, and cure for scours and unthriftiness in suckling pigs; effective to remove ascarids—large roundworms—in shoats; effective as a treatment for diarrhea in shoats; effective as a treatment for colds and colds on the lungs in hogs; effective as a treatment for rundown condition and common or spasmodic colic in horses; effective to stimulate digestion and to reduce foundering troubles, scours, and belching in feeding cattle; effective to make cows produce more milk; effective as a treatment for scours in calves caused by an unsettled condition of the stomach; effective to fatten sheep and to keep sheep generally thrifty; effective as a treatment for diarrhea in sheep; and effective as a general conditioner for poultry.

On October 9, 1935, a verdict of guilty was returned. On November 21, 1935, each of the two defendants was fined $50, and costs were awarded against them.

W. R. Gregg, *Acting Secretary of Agriculture.*

25066. Misbranding of Dr. Hildebrand's Gall Stone Capsules and Granzow's Tonic Tablets. U. S. v. Frank Granzow, trading as Dr. Hildebrand's Laboratories. Plea of guilty. Fine, $40. (F. & D. no. 31470. Sample nos. 34213–A, 35238–A.)

Unwarranted curative and therapeutic claims were made for this article.

On August 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Granzow, trading as Dr. Hildebrand's Laboratories, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 17, 1933, from Chicago, Ill., to various destinations in several other States of quantities of the drugs named in the caption hereof, which were misbranded. The articles were labeled in part: (Box) "Dr. Hildebrand's Gall Stone Capsules Trade Mark Reg. U. S. Pat. Off."; (box) "Granzow's Tonic Tablets Made Expressly for Frank Granzow Mfg. Chemists."

Analyses of the articles disclosed that the Gall Stone Capsules consisted essentially of phenolphthalein, oleic acid, soap, menthol, sodium salicylate, and plant fiber; that the Tonic Tablets consisted essentially of sodium sulphate, an iron compound, and a small proportion of strychnine, and were coated with lime carbonate and sugar.

Misbranding was charged with respect to Dr. Hildebrand's Gall Stone Capsules in that the label of the box in which they were shipped and a post card, leaflet, and circular enclosed in the box bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for gallstone, gall bladder, and allied liver and stomach disorders and trouble; effective as a treatment, remedy, and cure for burning pains around the liver, pains in the side, chills, fever, colds and indigestion caused by gallstones; and effective as a treatment for sick spells caused by liver, stomach, and bowels.

Misbranding was charged with respect to Granzow's Tonic Tablets in that the label of the box in which they were shipped, and two circulars enclosed in the box, bore and contained false and fraudulent statements that the article was effective, among other things, as a tonic and body builder; effective as a treatment, remedy, and cure for a weakened run-down condition, lack of energy, nervousness, sleeplessness, irritable temper, lack of vigor and similar symptoms; and effective to help a run-down condition, nervousness and insomnia; effective to insure health; effective to give courage, vitality, and energy to those of middle age who are in a nervous and run-down condition; and effective as a treatment for those suffering from a weak and worn-out condition, disturbed sleep, worry, despondency, nervousness, oversensitiveness, insomnia, irritable temper, and poor concentration.

On October 16, 1935, a plea of guilty was entered and a fine of $40 imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25067. Misbranding of Kurlene Eyelash Grower. U. S. v. 69 Packages of Kurlene Eyelash Grower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31893. Sample no. 29780–A.)

Examination of the article seized in this action disclosed that it did not contain any ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed for it in a circular enclosed in the package.

On January 26, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 packages of the said Kurlene Eyelash Grower at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 7, 1933, by the Kurlash Co., from Rochester, N. Y., to Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercuric oxide, salicylic acid, and petrolatum with a small amount of vanillin.

It was alleged in the libel that the article was misbranded in that circulars enclosed in the packages contained the following statements regarding the curative or therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small circular) "Originally the formula was perfected by a few medical men of Germany to combat a serious epidemic of granulated eyelids among the inhabitants of the community where they lived and which was leaving many without a trace of eyelashes. Not only did this marvelous preparation restore the eyelashes to the suffering people in that community but it gave relief to the sore and granulated lids as well"; (large circular) "Kurlene * * * by overcoming dandruff like flakes or granulated condition."

On September 18, 1935, no claimant having appeared, a judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25068. Misbranding of Pheno-Cosan. U. S. v. 43 Packages of Pheno-Cosan. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31961. Sample no. 33322–A.)

The carton containing the drug involved in this action bore an inaccurate statement, viz, that each jar thereof contained 1 ounce. Upon examination of the drug it was found that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar label and carton and in a circular within its package.

On February 10, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 packages of the said Pheno-Cosan at Birmingham, Ala., alleging that the article had been shipped on or about August 15, 1933, by the Whitney Payne Corporation, from New York, N. Y., into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whitney Payne Corporation Penllyn, Pa. New York, N. Y."

Analysis showed that the article contained small proportions of a mercury compound, a salicylate, and tar, incorporated in an ointment base of fatty acids (25 percent) and water (75 percent). Other investigation showed that the weight of the contents of two of the packages (jars) was 0.56 and 0.68 ounce, respectively.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "1 Oz. size", was false and misleading, and in that the following statements regarding the curative and therapeutic effects of the article, borne on the jar label and carton and appearing in a circular within its package, were false and fraudulent: (Jar label) "For Acute and Chronic Eczema * * * Eczema (also known as Tetter, Salt Rheum, Scaly Head, etc.) * * * are promptly eliminated by Pheno-Cosan. * * * Directions In eczema and other skin conditions * * * For * * * sores, etc.", (carton) "For Local treatment of Acute and Chronic Eczema"; (circular) "*In Infant Cases* Indicated in Acute or Chronic Eczema, Impetigo, * * * and Pruritis arising from Diabetes, Measles, or from any other cause. Applica-

tions may be from 2 to 6 daily, * * * rubbing gently till absorbed. In scalp conditions."

On August 8, 1935, a consent decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25069. Misbranding of Dr. S. C. Skeel's Coloni-Compound. U. S. v. Coloni Laboratories, Inc. Plea of nolo contendere. Fine, $75. (F. & D. no. 32120. Sample no. 46534–A.)

Both the cartons and the bottle label of this drug bore unwarranted curative and therapeutic claims.

On June 21, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Coloni Laboratories, Inc., a corporation, St. Louis, Mo., alleging shipment by said company on or about May 31, 1933, from the State of Missouri into the State of Texas of a quantity of Dr. Skeel's Coloni-Compound that was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Bottle and carton) "A vegetable prescription originated by Dr. S. C. Skeel and handed down to his daughter, Mrs. Claire Skeel Rinehart."

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including a laxative drug, glycerin, alcohol, and water.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects thereof appearing on the bottle label and on the cartons that contained the bottles, falsely and fraudulently represented that the article was effective, among other things, as a reconstituent for women; effective to stimulate the digestive organs, correct defective nutrition, enrich the blood, and assist nature in invigorating the system when it is weakened, debilitated, exhausted, and anemic; effective as a rebuilder and general regulator for young girls approaching puberty; effective as a treatment, remedy, and cure for irregular or scanty menstruation, and delay of the catamenia; effective as an aid in preventing abortions; effective as a treatment for sterility; and effective as a rebuilder for nursing mothers and to help increase the flow of milk.

On June 30, 1934, a plea of nolo contendere was entered and a fine of $75 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25070. Misbranding of Prescription No. 69. U. S. v. Home Drug Co., a corporation. Plea of nolo contendere. Fine, $50. (F. & D. no. 32142. Sample no. 28547–A.)

This article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on its bottle label and in a leaflet and circular within its package.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Home Drug Co., a corporation, Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 25, 1933, from the State of Minnesota into the State of Illinois, of a quantity of Prescription No. 69 that was misbranded. The article was labeled in part: (Bottle) "Home Drug Co. Minneapolis Prescription No. 69 Alcohol .02% * * * Regular Price $2.00 per Bottle."

Analysis of a sample of the article showed that it consisted essentially of glycerin with small proportions of oxgall and bile acids.

It was alleged in the information that the article was misbranded in that the label of the bottles and a leaflet and circular within the package bore and contained false and fraudulent statements that the article was effective as a treatment, remedy, and cure for liver and gall-bladder trouble, gallstones and liver disorders; effective to clear up gallstone disorders; and effective as a treatment for soreness or pain due to liver and bladder troubles.

On or about September 30, 1935, a plea of nolo contendere was entered and a fine of $50 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25071. Misbranding of Cutler's Blood Pure Powders. U. S. v. 20 Packages of Cutler's Blood Pure Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32609. Sample no. 65763–A.)

Unwarranted curative and therapeutic claims were made for this article.

On April 27, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 packages of Cutler's Blood Pure Powders at Rock Island, Ill., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by C. F. Cutler & Co., from Montezuma, Iowa, to Rock Island, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Blood Pure Powders * * * For Internal Treatment of: Blood & Skin Diseases of Horses, Mules & Cattle."

Analysis showed that the article consisted essentially of sulphur (69 percent), antimony sulphide, and ground plant material.

The article was alleged to be misbranded in that upon and within the packages there appeared false and fraudulent statements that the article was effective in the treatment of blood and skin diseases of horses, mules, and cattle, of fistula or poll evil, of moon-blindness, distemper, lumpy jaw of cattle, of many common diseases of livestock; and was effective to assist the normal eliminative organs of the body to remove poisons and waste products from the body, and as a general tonic to promote health, tone the blood, increase ambition vitality, and as an appetizer and conditioner for the fattening of animals and for the purpose of building up the animal's vitality and resistance to disease. Misbranding was further charged under an allegation that by reason of the aforesaid false and fraudulent statements the product was so labeled and branded as to deceive and mislead purchasers thereof.

On December 17, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25072. Misbranding of F. W. McNess' ChickO. U. S. v. 32 Dozen Bottles of F. W. McNess' ChickO. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33540. Sample no. 47692–A.)

Examination of the drug product, F. W. McNess' ChickO, involved in this action showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the circular that accompanied the bottles.

On September 28, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 dozen bottles of the said F. W. McNess' ChickO remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped on or about April 4, 1934, by Furst & Thomas, from Freeport, Ill., and had been transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium permanganate (2.6 percent) dissolved in water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular that accompanied the bottles, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Some of these diseases can be prevented, or the infection can be greatly reduced by using McNess' ChickO in the drinking water of chicks and other poultry of all kinds and all ages. * * * Bowel trouble is a very serious condition in young chicks, as well as in poultry of all ages. * * * A helpful way to reduce this danger is * * * through the use of McNess' ChickO in the drinking water that is given the birds. * * * For roup-like conditions of poultry. At the first signs of roup-like conditions of poultry or a cold we would suggest adding two teaspoonfuls of McNess ChickO to a pint of warm water. Dip the bird's head in this solution once or twice each day. Keep the head in the solution long enough to have it cover the entire surface that may be affected, but use care that the bird is not strangled. * * * Chicken Pox * * * Inflammation of the throat. The symptoms of this are inflamed mouth and throat. The fowl wheezes and

coughs, the mouth often fills with froth. If not checked it may cause death. Use F. W. McNess' ChickO giving it in all drinking water, a teaspoonful to a pint of water. * * * First signs of disease. A healthy comb is clean, bright red in color. Any change from this, such as white spots or scurvy, dark red, black, purple color on the comb are sure indications of trouble. Healthy droppings are firm, solid and tipped with white. If droppings are soft, green, light brown or yellowish in color and especially the white tip is absent, look out for trouble. On a first indication of disease give F. W. McNess' ChickO in the drinking water."

On November 8, 1935, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. R. Gregg, *Acting Secretary of Agriculture.*

25073. Misbranding of Anti Headache Tablets. U. S. v. 336 Packages of Anti Headache Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33646. Sample no. 47699–A.)

Examination of the product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 10, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 336 packages of Anti Headache Tablets at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about August 3, 1933, by Furst & Thomas, from Freeport, Ill., to Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Anti Headache Tablets * * * Manufactured for Furst-McNess Co. * * * Freeport, Illinois, U. S. A."

Analysis of a sample of the article showed that it consisted essentially of acetanilid (3.28 grains), caffeine, sodium bicarbonate, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects and borne upon its package were false and fraudulent: "These tablets are a boon to those who suffer from violent headaches. * * * Where the headache is caused by Indigestion, Sour Stomach * * * LaGrippe, and similar disorders, these tablets will aid in relieving not only the headache, but the disordered condition of the system as well."

On November 8, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25074. Adulteration and misbranding of Lambert's Powders. U. S. v. Lambert's Remedies, Inc. Plea of guilty. Fine, $10. (F. & D. no. 33757. Sample no. 22075–A.)

This case involved a drug preparation which was adulterated and misbranded because of deficiency in acetanilid; and which was further misbranded because of the therapeutic claims and the representations that it was not habit-forming or injurious, borne on the labels, examination having shown that it contained no ingredients capable of producing the therapeutic effects claimed and that it contained a drug that might be habit forming and injurious.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lambert's Remedies, Inc., trading at Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 24, 1933, from the State of Minnesota into the State of Wisconsin, of a quantity of Lambert's Powders which were adulterated and misbranded.

The article was labeled in part: "E. L. Stanley, Discoverer Lambert's Powders * * * Lambert's Inc., Laboratories, Minneapolis, Minn."

Analysis showed that the article contained acetanilid (not more than 2.07 grains per powder), acetylsalicylic acid (6.1 grains per powder), and salol.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the powders was represented to contain 2½ grains of acetanilid; whereas each of said powders contained less than 2½ grains, namely, not more than 2.07 grains of acetanilid.

Misbranding was alleged for the reason that the statements, "Each powder contains 2½ grains Acetanilid" and "do not contain * * * Habit-forming * * * or Injurious Drug", borne on the package and the statements "do not contain any * * * habit forming * * * or injurious drug, and are absolutely guaranteed by the undersigned under the National Pure Food and Drug Act of June 30, 1906", contained in a circular shipped with the article, were false and misleading since each of said powders did not contain 2½ grains of acetanilid but did contain a less amount, the article did contain a habit-forming and injurious drug, namely, acetanilid, and it did not conform to the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the article contained acetanilid and the label on the package failed to bear a plain and conspicuous statement of the quantity and proportion of acetanilid contained therein. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects appearing in the labeling falsely and fraudulently represented that it was effective for the general relief of pain, especially rheumatism and grippe; effective for the quick and positive relief of rheumatism, neuralgia, pleurisy, fever, and grippe; effective as a quick and permanent relief in all cases of rheumatism and other troubles caused by a rheumatic tendency in the system, such as neuralgia, pleurisy, headache, and all aches and pains in the joints and muscles caused by colds, grippe, or fevers; effective as a remedy for uric acid deposits in the system and to prevent any kidney or stomach troubles, rheumatism, neuralgia, pleurisy, headache, backache, sciatica, and lumbago; effective as a treatment, remedy, and cure for rheumatism, inflammatory rheumatism, sciatic rheumatism, chronic rheumatism, swollen joints, and rheumatic pains.

On October 1, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

25075. Misbranding of Phen-O-Lene. U. S. v. The Weston Manufacturing & Supply Co., Inc., a corporation, and Reginald G. Weston. Pleas of nolo contendere. Fine, $25 imposed upon each defendant. (F. & D. no. 33787. Sample no. 66706–A.)

Unwarranted curative and therapeutic claims were made for this product.

On January 10, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Weston Manufacturing & Supply Co., Inc., a corporation, and Reginald G. Weston, Denver, Colo., alleging shipment by them, in violation of the Food and Drugs Act as amended, on or about January 8, 1934, from Denver, Colo., to Amarillo, Tex., of quantities of Phen-O-Lene which was misbranded. The article was labeled in part: (Cans) "Phen-O-Lene Trade Mark * * * The Weston Manufacturing and Supply Company 'Stock Breeders' Supplies' 1942 Speer Blvd., Corner Larimer Street, Denver, Colo."

Analysis showed that the article consisted essentially of calcium carbonate (70 percent), phenol (7.5 percent), small proportions of ferric oxide and potassium iodide, chlorides, and phosphates, flavored with oil of anise.

The article was alleged to be misbranded in that the label on the cans and a circular enclosed in the packages bore and contained false and fraudulent statements that the article was effective, among other things, for breeding livestock; and effective as a treatment, remedy, and cure for infectious and contagious abortion, and to get at the cause thereof.

On November 6, 1935, pleas of nolo contendere were entered, and each defendant was fined $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 25026–25075

[1] Contains an opinion of the court.

U. S. GOVERNMENT PRINTING OFFICE: 1936

N. J. F. D.25076–25125 Issued July 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25076–25125

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 2, 1936]

25076. Misbranding of Cox-Cis. U. S. v. Kloister Laboratories, a corporation, and Jack Amram and George Klinefelter. Pleas of nolo contendere. Fines, $15 imposed upon corporation; $5 imposed upon each of the remaining defendants. (F. & D. no. 33790. Sample nos. 54697–A, 54698–A, 54699–A, 68912–A, 69137–A, 74551–A.)

The labels of this drug bore unwarranted curative or therapeutic claims.

On April 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kloister Laboratories, a corporation, and Jack Amram and George Klinefelter, Ephrata, Pa., alleging shipments by the defendants in violation of the Food and Drugs Act, on or about October 3, October 13, and December 14, 1933, and February 16, 1934, from Ephrata, Pa., to several destinations in other States of quantities of Cox-Cis which was misbranded. The article was labeled in part: (Packages) "Cox-Cis Patent Pending for Poultry * * * Manufactured by Kloister Laboratories Corporation, Ephrata, Pennsylvania."

Analysis showed that the product was a pulverized gray-white powder, with a faint phenollike odor and composed of betanaphthol and limestone with very small amounts of sulphates, possibly indicating the presence of compound calcium hydroxethylphenylamine para sulphonate.

The Cox-Cis was alleged to be misbranded in that the label on the packages and on the carton, and a circular enclosed in the packages, bore false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for diseases of poultry; effective as a treatment, remedy, and cure for coccidiosis in poultry and many other forms of intestinal diseases in poultry; effective as a preventive of coccidiosis (bloody diarrhea); effective as an aid in the treatment of all forms of intestinal intoxication and infection; effective to keep chickens healthy; effective as a treatment, remedy, and cure for six recognized types of coccidia, to wit: *Eimeria tenella*, hemorrhages (blood in the ceca); *E. mitis*, living in the upper portion of the intestines; *E. acervulina*, white spots or patches in the upper intestines; *E. maxima*, egg-shaped species, characteristic of the chronic type; *E. necatrix*, white or red spots on the intestines, hemorrhages in the tissues; and *E. praecox*, a short-lived, unimportant species.

On October 18, 1935, pleas of nolo contendere were entered by the defendants and a fine of $15 was imposed upon the corporation and of $5 upon each of the remaining defendants.

W. R. Gregg, *Acting Secretary of Agriculture.*

25077. Adulteration and misbranding of Antiseptic Capsules and misbranding of Special Treatment for Diabetis and Gold Seal Vegetable Compound for Women. U. S. v. DeVore Manufacturing Co., a corporation. Plea of guilty. Fine, $10. (F. & D. no. 33863. Sample nos. 57834–A, 59105–A, 59107–A.)

Unwarranted curative and therapeutic claims were made for these products. Labels of two of them bore incorrect statements concerning their ingredients, and the label of one of them misrepresented that it was an antiseptic.

On April 24, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the DeVore Manufacturing Co., a corporation, Columbus, Ohio, alleging shipment in violation of the Food and Drugs Act

as amended, on or about September 9 and October 16, 1933, from Columbus, Ohio, to two destinations in the State of Missouri, of quantities of Antiseptic Capsules, Special Treatment for Diabetis, and Gold Seal Vegetable Compound for Women, which were misbranded, the Antiseptic Capsules being also adulterated. The articles were labeled in part: (Bottles) "Antiseptic Capsules Price $3.00 * * * Manufactured by Midwest Remedies Corp. St. Louis, Mo."; "Special Treatment for Diabetis * * * Price $5.00"; "Gold Seal Vegetable Compound For Women * * * Alcohol not over 15% * * * Manufactured by Gold Seal Products Co. Columbus, Ohio."

Analyses showed that the Antiseptic Capsules consisted essentially of sodium chloride, borax, sodium bicarbonate, salicylic acid, volatile oils including cassia oil, thymol, menthol, and red coloring matter, and that the article was not an antiseptic when used as directed; that the Special Treatment for Diabetis consisted essentially of Rochelle salt (4.23 grams per 100 milliliters) and water flavored with cassia oil; that the Gold Seal Vegetable Compound for Women consisted essentially of extracts of plant drugs including berberis and laxative drugs, a benzoate, a salicylate, saccharin, phosphoric acid, alcohol (14 percent by volume), and water.

The Antiseptic Capsules were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that they were not antiseptic as claimed.

The same article was alleged to be misbranded in that the labels on the bottles bore false and fraudulent statements that the capsules were effective, among other things, as a treatment, remedy, and cure for tonsillitis, laryngitis, quinsy, sore and ulcerated throat and mouth, and were further misbranded in that the statement, "Antiseptic Capsules", appearing on the labels of the bottles, was false and misleading.

The Special Treatment for Diabetis was alleged to be misbranded in that the label on the bottle bore false and fraudulent statements that the article was effective, among other things, as a treatment for diabetes.

The Gold Seal Vegetable Compound for Women was alleged to be misbranded in that the labels on the bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a treatment for nonsurgical cases of weakness and disorders of the female generative organs; effective as a general system builder for women, and effective as a treatment, remedy, and cure for female weakness and for weak, ailing women. Misbranding was further alleged in that the label on the package failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol in the article.

On December 3, 1935, a plea of guilty was entered and a fine of $10 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25078. Adulteration and misbranding of Dovola Ointment Zinc Oxide, Dovola Throat Gargle, Dovola Milk Magnesia, Dovola Mouth Wash, and Dovola Wild Cherry Expectorant; and misbranding of Dovola Carbolic Salve, Cod Liver Oil, Dovola Vegetable Laxative Tablets, Dovola Special Tonic Pills, Healcidine Health Salts, Dovola Analgesic Balm, Dovola Eczema Ointment, Dovola Special Pills, Dovola Witch Hazel Salve, and Dovola Creol. U. S. v. John J. Smith (Dovola Co.). Plea of guilty. Fine, $50 and costs. (F. & D. no. 33870. Sample nos. 57923–A, 59116–A, 59127–A to 59133–A, incl., 59195–A to 59200–A, incl.)

These drugs were all misbranded because of unwarranted curative and therapeutic claims in the labeling. The following products were also adulterated and further misbranded: the zinc oxide ointment and milk of magnesia were below the pharmacopoeial requirements; the throat gargle and wild cherry expectorant fell below their own professed standard; the mouth wash did not possess the antiseptic properties claimed.

On February 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Smith, trading as the Dovola Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about March 31, May 10, November 18, and November 25, 1933, from the State of Illinois into the State of Missouri of quantities of the following-described drugs which were misbranded and certain of which were also adulterated. The articles were labeled in part: "Dovola Carbolic Salve [or "Vegetable Laxative Tablets", "Special Tonic Pills",

"Ointment Zinc Oxide U. S. P.", Analgesic Balm", "Throat Gargle", "Milk Magnesia * * * U. S. P.", "Eczema Ointment", "Special Pills", "Mouth Wash", "Wild Cherry Expectorant", "Witch Hazel Salve", or "Creol"] * * * The Dovola Co., Chicago"; "Healcidine Health Salts * * * Dovola Company"; "Norwegian Cod Liver Oil * * * Nestor Drug and Chemical Co., Chicago, Ill."

Analyses showed the following facts: The carbolic salve consisted of phenol, (2 percent) incorporated in an ointment base; the vegetable laxative tablets contained extracts of plant drugs including nux vomica; the special tonic pills contained a phosphide; the ointment zinc oxide contained zinc oxide (not more than 17.5 grams per 100 grams); the Healcidine Health Salts consisted essentially of sodium bicarbonate (28.5 percent), magnesium sulphate (21.3 percent), potassium bitartrate (22.4 percent), tartaric acid (17.9 percent), sodium phosphate (8.8 percent), and starch (1.4 percent); the analgesic balm consisted essentially of methyl salicylate (3.5 percent) incorporated in petrolatum; the throat gargle consisted of small proportions of ferric chloride and potassium chlorate dissolved in a mixture of water and glycerin (phenol, glycerite of tannin, solution of formaldehyde, and oil of wintergreen were absent); the milk of magnesia contained less than 7 percent of magnesium hydroxide, namely, 6.7 percent of magnesium hydroxide; the eczema ointment was a yellow semisolid containing bismuth subcarbonate, zinc oxide, and sulphur in an ointment base; the special pills contained extracts of plant drugs and potassium nitrate; the mouth wash contained small proportions of menthol, thymol, and zinc chloride in water (bacteriological examination showed that it was not an antiseptic mouth and throat gargle when used as directed); the wild cherry expectorant consisted essentially of extracts of plant drugs, glycerin, sugar, and water (no tartar emetic was present); the witch hazel salve consisted essentially of a small proportion of camphor incorporated in petrolatum; the Creol consisted of water, soap, phenols, glycerin, and a small amount of neutral oils; the remaining product was cod-liver oil.

The Ointment Zinc Oxide and Milk Magnesia were alleged to be adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia in the following respects: The Ointment Zinc Oxide contained in each 100 grams not more than 17.5 grams of zinc oxide, whereas the pharmacopoeia provides that zinc oxide ointment shall contain not less than 20 grams of zinc oxide per 100 grams. The Milk Magnesia contained less than 7 percent, namely, not more than 6.7 percent of magnesium hydroxide, whereas the pharmacopoeia provides that milk of magnesia shall contain not less than 7 percent of magnesium hydroxide; and the standard of strength, quality, and purity of the articles was not declared on the container. Adulteration was alleged with respect to the following products in that their strength and purity fell below the professed standard and quality under which they were sold, viz: The Ointment Zinc Oxide was represented to conform to the standard laid down in the United States Pharmacopoeia and to contain 20 percent of zinc oxide, whereas it did not conform to the standard laid down in the pharmacopoeia and contained less than 20 percent of zinc oxide; the Milk Magnesia was represented to conform to the standard laid down in the United States Pharmacopoeia, whereas it did not conform to the standard laid down in the pharmacopoeia; the throat gargle was represented to contain in each fluid ounce a proportionate amount of phenol, glyceride of tannin, [glycerite of tannin] solution of formaldehyde, and oil of wintergreen, whereas it contained no phenol, glycerite of tannin, solution of formaldehyde, or oil of wintergreen; the mouth wash was represented to be an antiseptic mouth and throat gargle when used as directed, whereas it was not an antiseptic mouth and throat gargle when used as directed; the wild cherry expectorant was represented to contain a representative amount of tartar emetic, whereas it contained no tartar emetic.

Misbranding of all products was alleged for the reason that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the carbolic salve was effective as a treatment, remedy, and cure for sores, ulcers, and itch, and effective as a treatment, remedy, and cure for severe cases of sores, ulcers, and itch; that the cod-liver oil was effective as a treatment, remedy, and cure for consumption and all pulmonary affections, emaciation, and debility arising from disease; that the vegetable laxative tablets were effective

as a treatment, remedy, and cure for disorders of the stomach and liver, biliousness, dizziness, sick headache, dyspepsia, indigestion, vertigo, habitual constipation, and bilious attacks; effective to have special action on the liver, to restore the torpid liver to its normal condition, create a healthy action of the digestive organs and cure constipation by securing prompt and regular operations of the bowels; effective to exert a powerful influence on the liver and to restore the liver to its normal functions; effective as a treatment, remedy, and cure for habitual biliousness and dyspepsia; that the special tonic pills were effective as a valuable remedy for building up the blood and aiding in the restoration of shattered nerve forces; and effective to purify the blood, cleanse the system, and act surely but gently on the liver; that the Ointment Zinc Oxide was effective as a treatment for all sorts of inflammatory conditions of the skin such as eczema and inflamed surfaces; that the Healcidine Health Salts was effective as a health salts; effective as a treatment, remedy, and cure for biliousness, boils, pimples and rheumatism; effective to insure health, prevent constipation, to tone up the liver and kidneys, and to keep the stomach clean; and effective as a tonic; that the analgesic balm was effective as a relief for rheumatism, sciatica, lumbago, chest colds, and other painful affections; that the throat gargle was effective as a treatment for sore throat; that the Milk Magnesia was effective as a corrective; effective to relieve dyspepsia, indigestion, nausea, vomiting, rheumatism, and gout; and effective to correct uric acid conditions; that the eczema ointment was effective as a treatment, remedy, and cure for every form of eczema, tetter, pimples, itch, redness of the skin, and other skin diseases; that the Special Pills were effective as a valuable remedy for pain in back, weak kidneys, inflammation of the bladder, backache, scalding urine, too frequent desire to urinate, gravel, deadly kidney diseases, Bright's disease, weak and diseased kidneys, many fatal diseases due to kidney trouble, uric acid poison, scanty or odorous urine, depressed and tired feeling, aching limbs, restlessness at night, irritability, continuous thirst, pains in the groin, brick dust or sediment in the urine, burning sensation, backache or weak back, irritation of the bladder, gallstones, diabetes, kidney troubles, continuous discharges, leucorrhea or whites, severe urinary troubles, dragging pains, aching joints, bed wetting, rheumatic pains, gleet, and highly colored urine; effective to assist the kidneys in passing off uric acid poison from the system and effective to soothe the irritated and inflamed delicate organs of women; and effective as an antiseptic in cases of venereal and gonorrheal affections; that the mouth wash was effective as a treatment, remedy, and cure for tonsillitis, catarrh, bad breath, sore mouth, pyorrhea, and sore throat; that the wild cherry expectorant was effective as a remedy for various affections of the throat such as coughs, croup, hoarseness, and bronchitis; that the witch hazel salve was effective as a treatment for sores, ulcers, and itch; and effective as a treatment for severe cases of sores, ulcers, and itch; and that the Creol was effective as a treatment, remedy, and cure for skin eruptions.

Misbranding was alleged with respect to certain products for the further reason that the following statements appearing in the labeling were false and misleading: (Ointment Zinc Oxide) "Ointment Zinc Oxide U. S. P. Contains Zinc Oxide 20%"; (throat gargle) "Each fluid ounce represents a proportionate amount of Phenol, Glyceride of Tannin, Sol. of Formaldehyde, Oil Wintergreen"; (Milk Magnesia) "Milk Magnesia * * * U. S. P."; (mouth wash) "An excellent * * * antiseptic * * * for mouth and throat gargle * * * Directions"; (wild cherry expectorant) "Each Fluid ounce contains a representative amount of * * * Tartar Emetic."

The information also charged that the Creol was further misbranded under the Insecticide Act of 1910, reported in notices of judgment published under that act.

On November 15, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50 and costs for violation of both acts.

W. R. Gregg, *Acting Secretary of Agriculture.*

25079. Misbranding of Shavegrass Cut and juniper berries. U. S. v. Regina Rieppel, trading as Miss R. Regina. Plea of nolo contendere. Fine, $40 with remission of $25 thereof. (F. & D. no. 33874. Sample nos. 51642–A, 51643–A.)

Unwarranted curative and therapeutic claims were made for these articles.

On September 5, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against Regina Rieppel, trading as Miss R. Regina, New York, N. Y., alleging shipment by her in violation of the Food and Drugs Act as amended, on January 27, 1934, from New York, N. Y., to Woodbridge, N. J., of certain quantities of drugs which were misbranded. The articles were labeled in part: (Shavegrass Cut, package) "1 lb. Shavegrass Cut Miss R. Regina, 456 W. 141st St., New York, N. Y.;" (juniper berries, package) "Juniper Berries."

Analyses showed that Shavegrass Cut consisted of cut equisetum (horsetail) and that juniper berries consisted of whole juniper berries.

The Shavegrass Cut was alleged to be misbranded in that enclosed in its package were circulars that contained false and fraudulent statements that the article was effective, among other things, to heal the interior and exterior infirmities of the human body; to remove stone and gravel in the kidneys and bladder, urinary difficulties, and to purify the stomach; effective as a treatment, remedy, and cure for spasmodic and rheumatic disorders of the kidneys and bladder, gravel and stone complaints, and to dissolve and expel gravel and stone in the kidneys and bladder; effective to stop blood vomitings, bleedings, hemorrhages and violent bleeding at the nose; effective as a treatment, remedy, and cure for all injuries, putrid wounds, gangrenous ulcers and caries, and to wash away, dissolve, and burn out all that is injurious, and effective as a successful treatment for urinary difficulties, cancer of the bladder, pains in legs, stone complaints, and kidney complaints.

The juniper berries were alleged to be misbranded in that enclosed in its package was a circular that contained false and fraudulent statements that the article was effective, among other things, when used in connection with Shavegrass, as a remedy for stone and gravel, kidney and liver complaints, and to remove from the body foul gases and foul, watery, and slimy matter in all cases; effective to purify and strengthen weak stomachs; effective as a preventive of contagion of serious diseases such as scarlet fever, smallpox, typhus, and cholera.

On September 23, 1935, a plea of nolo contendere was entered and a fine of $40 was imposed, $25 of which was remitted.

W. R. Gregg, *Acting Secretary of Agriculture.*

25080. Adulteration and misbranding of Alabin. U. S. v. Aseptico Laboratories, Inc. Plea of guilty. Fine, $75. (F. & D. no. 33880. Sample no. 61750-A.)

Incorrect statements were borne on the label of this article and unwarranted curative and therapeutic claims were made for it.

On February 4, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aseptico Laboratories, Inc., Rochester, N. Y., alleging shipment by it, in violation of the Food and Drugs Act as amended, on or about January 25, 1934, from Rochester, N. Y., to Johnstown, Pa., of a quantity of Alabin which was adulterated and misbranded. The article was labeled in part: (Jars) "Alabin Trade Mark * * * Aseptico Laboratories Inc. Rochester, N. Y. U. S. A."

Analysis showed that the article consisted essentially of sodium chloride (33 percent), sodium borate (49.4 percent), sodium bicarbonate (15 percent), small proportions of magnesium carbonate, thymol, menthol, eucalyptol, and methyl salicylate.

Alabin was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that said article was represented to be germicidal when used as directed, whereas it was not germicidal when so used.

The article was alleged to be misbranded in that a circular enclosed in its package contained false and fraudulent statements that the article was effective, among other things, as a treatment for bleeding gums and cankered mouth. It was also alleged to be misbranded in that a circular enclosed in the package and the label attached to the jars contained and bore false and misleading statements as to the germicidal strength of the article.

On September 12, 1935, a plea of guilty was entered and a fine of $75 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25081. Misbranding of Devonshire's Earth Salts. U. S. v. Harry C. Johnson, trading as F. S. Powers & Co. Plea of guilty. Fine, $25. (F. & D. no. 33883. Sample no. 65139–A.)

Unwarranted curative and therapeutic claims were made for this article and its label bore an incorrect statement concerning its composition.

On March 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry C. Johnson, trading as F. S. Powers & Co., Crystal Lake, Ill., alleging shipment by him, in violation of the Food and Drugs Act as amended, on or about March 10, 1934, from Crystal Lake, Ill., to Milwaukee, Wis., of a quantity of Devonshire's Earth Salts, which was misbranded. The article was labeled in part: (Package and carton) "Reg. U. S. Pat. Off. * * * F. S. Powers & Co. 103 McHenry Avenue, Crystal Lake, Ill."

Analysis showed that the article consisted essentially of calcium phosphate and sodium chloride with small proportions of sulphur and compounds of iron, magnesium, potassium, and aluminum, including carbonate and silicate.

The article was alleged to be misbranded in that the carton in which it was shipped and a circular enclosed in the carton bore and contained false and fraudulent statements that it was effective, among other things, to maintain the gastric juice; to maintain the vital processes of the liver, spleen, bowels, and kidneys; to maintain the hair and skin; to maintain the bones and muscles; to maintain the nervous system; to build the other elements of the food into the body; to maintain the germ killers in the blood; effective as a body builder of the "whole visible animated creation of God"; effective as a germ killer; effective as a treatment, remedy, and cure for kidney disease, bowel trouble, and nervous disease; effective to ward off and cure disease; effective as a treatment, remedy, and cure for pneumonia, cancer, diphtheria, sore and ulcerated throat, typhoid fever, kidney and bowel trouble, appendicitis, intestinal worms and tapeworms, locomotor ataxia, nervous diseases, such as neuralgia, insomnia, nervous headaches, and paralysis, rheumatism, lumbago, sciatica, neuritis, stomach trouble, constipation, diseases of the kidney, spleen, and liver, gravel in kidneys, stone in the bladder, advanced kidney disease, hopeless cases of kidney disease, skin diseases, acne, inherited blood taint, incurable skin disease, malaria fever, high blood pressure, defective nutrition of the blood, boils, abscesses, goiter, tumors, stomach ulcers, chills, colds, bronchitis, snake bites, delirium tremens, alcoholic poisoning, diabetes, social diseases, heart trouble, heart leakage, all diseases of the teeth, menstruation, barrenness, and sterility; effective to maintain the skin in a healthy state; effective to remove all impurities from the blood; effective to insure normal birth and healthy children; and effective to produce rich human milk. Misbranding was further charged under the allegation that the statement, to wit, "The Earth Salts * * * being an exact copy of the mineral matter found in the foodstuffs" borne on the carton, was false and misleading.

On December 18, 1935, a plea of guilty was entered, a fine of $25 was imposed and costs were awarded against the defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25082. Adulteration and misbranding of LaClyde Lemon Vegetable Soap; misbranding of Liberty Liniment, Cly-Tone Tonic, Ru-Co Female Tonic, LaClyde Lucky Bleaching Ointment, Liberty Nerve and Gland Treatment, Liberty Tonic, Ru-Co Skin Remedy, Sex-Co Restorative Tablets, 7As Pain Killer, Cly-Tone Pain Killer, 7As Iron Tonic, and Ru-Co The Wonderful Health Laxative. U. S. v. Clyde Collins Chemical Co., a corporation. Plea of guilty. Fine, $871.20. (F. & D. no. 33889. Sample nos. 30476–A, 30479–A, 30510–A, 34238–A, 34248–A, 34314–A to 34319–A, incl., 34323–A to 34325, incl., 36819–A to 36822–A, incl., 41601–A, 46663–A, 46670–A.)

Unwarranted curative and therapeutic claims were made for each of these articles; the vegetable soap was inaccurately represented to be an antiseptic.

On July 5, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., alleging shipments by it, in violation of the Food and Drugs Act as amended, in the period from March 21, 1933, to July 26, 1933, from Memphis, Tenn., to places in other States, of quantities of LaClyde Lemon Vegetable Soap, Liberty Liniment, Cly-Tone Tonic, Ru-Co Female Tonic, LaClyde Lucky Bleaching Ointment, Liberty Nerve and Gland Treatment, Liberty Tonic, Ru-Co Skin Remedy, Sex-Co Restorative Tablets, 7As Pain Killer, Cly-Tone Pain

Killer, 7As Iron Tonic, and Ru-Co The Wonderful Health Laxative. Each of the articles was labeled in part: (Box or carton or bottle) "Manufactured by Clyde Collins Chemical Co., 260 Madison Ave., Memphis, Tenn."

Analyses showed that LaClyde Lemon Vegetable Soap was a yellow solid containing chiefly sodium soap and a fluorescent dye; that Liberty Liniment was a solution of methyl salicylate in light petroleum distillate; that Cly-Tone Tonic was a dark brown aqueous solution of magnesium sulphate, containing also salicylates, small amounts of iron, chlorides, phenols, and flavoring matter, probably coumarin; that Ru-Co Female Tonic consisted essentially of water, alcohol, sugars, plant extractives bearing valerianic acid, and a small amount of iron and benzoic acid; that LaClyde Lucky Bleaching Ointment was an ointment containing ammoniated mercury (3.0 percent); that Liberty Nerve and Gland Treatment consisted essentially of sodium bicarbonate (92.3 percent) and starch; that Liberty Tonic consisted essentially of Epsom salt, extract of plant drugs, small proportions of salicylic acid and an iron compound, aromatic flavor, and water; that Ru-Co Skin Remedy was a yellow-white salve containing chiefly petrolatum and methyl salicylate; that Sex-Co Restorative Tablets contained chiefly ferrous sulphate, zinc phosphates, strychnine, and plant extractive material (apparently damiana), coated with calcium carbonate and talc, and colored red; that 7As Pain Killer was a solution of methyl salicylate in petroleum distillate; that Cly-Tone Pain Killer was essentially light petroleum distillate containing approximately 3 percent of methyl salicylate; that 7As Iron Tonic was a dark brown liquid containlng chiefly water, magnesium sulphate, iron, chlorides, salicylic acid, plant extractive material, and flavoring; that Ru-Co The Wonderful Health Laxative consisted chiefly of dehydrated Glauber's and Epsom salts.

LaClyde Lemon Vegetable Soap was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that the article was not what it was represented to be, namely, an antiseptic.

The same article was alleged to be misbranded in that the statement borne on its box label, to wit, "Antiseptic * * * Properties", was false and misleading; and in that the label on its box bore false and fraudulent statements that the article was effective, among other things, as a treatment for skin inperfections and pimples.

Liberty Liniment was alleged to be misbranded in that its bottle label and carton bore false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff, sore, and swollen joints, and sore feet.

Cly-Tone Tonic was alleged to be misbranded in that its bottle label and carton bore false and fraudulent statements that the article was effective, among other things, to insure health; effective as a treatment for chronic constipation, indigestion, blood, stomach, kidney, and functional disorders of the liver; and effective as a first aid in ailments of the stomach, blood, liver, or kidneys.

Ru-Co Female Tonic was alleged to be misbranded in that its bottle label bore false and fraudulent statements that the article was effective, among other things, as a female tonic; and effective in the treatment of painful menstruation, too frequent menstruation, leucorrhea (or whites), nervousness, nausea, irritation, pains in back, swelling of limbs or joints, cramps, and pains caused by pregnancy.

LaClyde Lucky Bleaching Ointment was alleged to be misbranded in that its box label bore false and fraudulent statements that the article was effective, among other things, to remove pimples, bumps, tetter, and eczema.

Liberty Nerve and Gland Treatment was alleged to be misbranded in that its box label bore false and fraudulent statements that the article was effective, among other things, as a treatment for nerve and gland ailments; effective as a body builder; and effective to insure strength and energy.

Liberty Tonic was alleged to be misbranded in that labels of its bottle and carton bore false and fraudulent statements that the article was effective, among other things, as a treatment for ailments of the kidney and bladder; effective as a great body builder; effective as a blood purifier; and effective as a treatment for indigestion, and as a first aid for ailments of the stomach, blood, liver, or kidneys.

Ru-Co Skin Remedy was alleged to be misbranded in that the label of its jar bore false and fraudulent statements that the article was effective, among

other things, as a skin remedy; effective as a treatment, remedy, and cure for pimples, bumps, itch, eczema, sore, tender and inflamed feet, itch between toes and fingers, face blemishes, blotches on face and neck, old sores, tetter, and skin complaints.

Sex-Co Restorative Tablets were alleged to be misbranded in that the box bore false and fraudulent statements that the article was effective, among other things, as a stimulant and aphrodisiac; effective to insure strength and energy; and effective as a restorative.

7As Pain Killer was alleged to be misbranded in that labels on the bottle and carton bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff, sore and swollen joints, and sore feet.

Cly-Tone Pain Killer was alleged to be misbranded in that the labels of its bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff and sore joints, and sore feet.

7A's Iron Tonic was alleged to be misbranded in that labels on the bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a tonic; effective as a treatment, remedy, and cure for indigestion, stomach, kidney, and functional disorders of the liver, the true cause of blood troubles and many other diseases of the body; effective as a first aid to health; and effective as a treatment, remedy, and cure for chronic constipation and indigestion, the true cause of many diseases, such as stomach, kidney, liver, and blood troubles, and many other functional disorders of the body.

Ru-Co The Wonderful Health Laxative was alleged to be misbranded in that labels of its bottles bore false and fraudulent statements that the article was effective, among other things, as a health laxative; effective to aid in freeing the body of harmful waste material and toxic poisons, and to aid in correction of certain conditions causing sallow skin, pimples, and unsightly blotches; and effective to help reduce abnormal weight.

On September 20, 1935, a plea of guilty was entered and a fine of $1,022.72 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25083. Misbranding of American Desert Tea. U. S. v. Russell A. Treacy and William Francis Newgrass, officers of the American Desert Tea Co., Inc., a corporation. Pleas of guilty. Treacy fined $150; Newgrass, $100. (F. & D. no. 33905. Sample nos. 40598–A, 56338–A, 56339–A, 60670–A.)

Unwarranted curative and therapeutic claims were made for this product.

On June 7, 1935, the United States attorney for the Southern District of California, acting on a report by the Secretary of Agriculture, filed in the district court an information against Russell A. Treacy and William Francis Newgrass, secretary and acting manager, respectively, of the American Desert Tea Co., Inc., a corporation theretofore existing under the laws of California, and having a place of business at Los Angeles, Calif., and two others, alleging shipments by the several defendants, in violation of the Food and Drugs Act, on or about August 7 and October 18, 1933, and February 16, 1934, from Hollywood, Calif., to places in several other States, of quantities of American Desert Tea which was misbranded. The article was labeled in part: (Carton) "American Desert Tea Trade Mark Reg. U. S. Pat. Off. * * * The Original Desert Nature Drink."

Analysis showed that the material contained in the article consisted essentially of a dry cut herb identified as a species of *Ephedra.*

The information was in 11 counts. The case was dismissed as to one of the two defendants who are unnamed in this notice of judgment, and as to the other thereof there has been no judgment on any count. All counts, excepting counts 1 and 3, were dismissed with respect to defendant Treacy, and all excepting count 7 were dismissed with respect to defendant Newgrass.

In the first count of the information, the article was alleged to be misbranded in that its cartons bore, and a circular enclosed in the cartons contained, false and fraudulent statements that the article was effective, among other things, as a health food; effective as a treatment, remedy, and cure for

a variety of troubles; to insure health, youth, and beauty, health of body and mind, and to promote sound and refreshing sleep; effective as a treatment, remedy, and cure for stomach trouble or acidity, insomnia, constipation, run-down blood condition, loss of appetite, intestinal influenza, flu, kidney and bladder trouble, gastric ulcers, arthritis of the knee, neuritis, swollen joints, different ailments, rheumatism, nervousness, paralysis, stomach and liver trouble, backache, and piles; effective as a builder and as a blood purifier; and effective to clean out the kidneys and intestines.

In the second count of the information, the article was alleged to be misbranded in that its cartons bore and a circular and leaflet enclosed in the cartons contained false and fraudulent statements the same as those set out in count 1, excepting the statement therein that the article was effective "as a builder", and the following additional false and fraudulent statements, to wit, that the article was effective, among other things, as a treatment, remedy, and cure for derangements of the system; effective as an invigorator and to give rest, better feeling, pep, vim, and vigor; effective to insure contentment, strength of body and mind; and effective as a treatment, remedy, and cure for restless and sleepless nights, arthritis, lumbago, diabetes, asthma, and catarrh; and effective as a tonic and to keep the system in a clean healthy condition.

In the seventh count of the information, the article was alleged to be misbranded in that its cartons bore, and envelopes and a circular enclosed therein, contained false and fraudulent statements the same as those set out in count 1, and the following additional false and fraudulent statement, to wit, that the article was effective to eliminate the uric acid from the blood.

On October 1, 1935, defendant Treacy pleaded guilty to counts 1 and 3 and was fined $150, and defendant Newgrass pleaded guilty to count 7 and was fined $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25084. Adulteration and misbranding of Acco Aspirin Tablets. U. S. v. Feldman-Martin, Inc., a corporation. Plea of guilty. Fine, $204. (F. & D. no. 33942. Sample nos. 39350–A, 43085–A, 49148–A, 68539–A, 68545–A.)

Unwarranted curative and therapeutic claims were made for this article; its professed standard was higher than its actual strength, and an incorrect statement regarding its ingredients appeared on a container.

On July 10, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Feldman-Martin, Inc., New York, N. Y., charging that it had shipped from New York, N. Y., to places in several States in the period from February 1, 1934, to March 22, 1934, the article of drugs named in the caption hereof and which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Acco Aspirin Trade Mark Reg. Acco 5 Gr. Aspirin Albany Chemical Co., Albany, N. Y."

Analyses of samples showed a content of aspirin varying in quantity from 4.53 to 4.98 grains, and that some of the samples contained salicylic acid in quantities less than 0.25 grain.

Adulteration was charged under the allegation that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was charged under the allegation that the cartons, display cards, boxes, and circulars enclosed in the boxes bore and contained false and fraudulent statements that the article was effective, among other things, as a relief for painful periods, rheumatic conditions, and similar ailments; effective as a treatment, remedy, and cure for toothache, earache, rheumatism, lumbago, sciatica, and similar ailments; effective as a quick alleviation of influenza, rheumatism, and menstrual pains; and effective as a treatment, remedy, and cure for natural pains in women and other similar disorders; and under the allegation that the statement, to wit, "5 Gr. Aspirin * * * Tablets", borne on the box containing the article, was false and misleading.

On November 22, 1935, a plea of guilty was entered and a fine of $204 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25085. Misbranding of Cox-Cis. U. S. v. Jack Amram and George Klinefelter, copartners, trading as the Kloister Laboratories. Pleas of nolo contendere. Fine, $25. (F. & D. no. 33944. Sample nos. 55556–A, 57275–A.)

Unwarranted curative and therapeutic claims were made for this article.

On April 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jack Amram and George Klinefelter, copartners, trading as the Kloister Laboratories, Ephrata, Pa., alleging shipments by said defendants in violation of the Food and Drugs Act on August 12 and August 14, 1933, from Ephrata, Pa., to two places in other States, of quantities of Cox-Cis which was misbranded. The article was labeled in part: (Carton) "Cox-Cis Patent Pending. The Scientific Poultry Remedy, * * * Kloister Laboratories Ephrata, Pennsylvania U. S. A."

Analysis showed that the article consisted essentially of calcium carbonate and betanaphthol.

The article was alleged to be misbranded in that the cartons in which it was shipped and a circular enclosed in the packages in which the cartons were wrapped bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for diseases of poultry; effective as a preventive, treatment, remedy, and cure for coccidiosis (bloody diarrhea) and many other intestinal diseases; effective as an excellent corrective for coccidiosis; effective as an aid in the treatment of bacillary white diarrhea and all forms of intestinal intoxication and infection; and effective to insure better egg production, to keep the intestinal tract clear, and to keep chickens healthy.

On October 18, 1935, pleas of nolo contendere were entered and a fine of $25 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25086. Misbranding of Russell's Korum for Poultry. U. S. v. Isaiah D. Russell, trading as the I. D. Russell Co. Plea of guilty. Fine, $25. (F. & D. no. 33966. Sample no. 72507–A.)

Unwarranted curative and therapeutic claims were made for this article.

On June 26, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isaiah D. Russell, trading as the I. D. Russell Co., Kansas City, Mo., charging that he had shipped from Kansas City, Mo., to Lincoln, Nebr., on or about March 26, 1934, the article of drugs named in the caption hereof and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Russell's Korum for Poultry * * * I. D. Russell Company, Kansas City, Missouri."

Analysis showed that the article was an orange-colored solution containing essentially potassium dichromate, potassium chlorate, nitrates, sodium chloride, magnesium sulphate, and water.

Misbranding was charged under the allegation that the labels on the bottles and a circular in which the bottles were wrapped bore and contained false and fraudulent statements that the article was effective, among other things, as a preventive, treatment, remedy, and cure for cholera, coccidiosis, chicken-pox, roup, and diarrhea in poultry; effective to kill germs and to aid in healing walls of the intestines that have been irritated by worms; effective as a tonic to aid the fowl in building up its resistance; effective to act as a mild laxative and to help the fowl throw off poisons that are in its system; effective or very helpful in the treatment of germ and intestinal diseases in poultry; effective to help the flock to get into condition, to quickly guard against disease, and to prevent the drinking water from becoming contaminated; and effective to aid in protecting baby chicks from common ailments, such as simple diarrhea and bowel troubles.

On September 6, 1935, a plea of guilty was entered, the defendant was fined $25, and costs were awarded against him.

W. R. Gregg, *Acting Secretary of Agriculture.*

25087. Adulteration and misbranding of Bostwick's White Pine Cough Syrup. U. S. v. Bostwick Bros. Co., a corporation. Plea of nolo contendere. Fine, $100. (F. & D. no. 33970. Sample no. 49142–A.)

This article did not contain the quantity of chloroform which its label represented that it contained, and unwarranted therapeutic and curative claims were made for it.

On May 25, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bostwick Bros. Co., a corporation, Atlanta, Ga., alleging shipment in violation of the Food and Drugs Act as amended, on or about December 28, 1933, from Atlanta, Ga., to Greensboro, N. C., of quantities of Bostwick's White Pine Cough Syrup which was adulterated and misbranded. The article was labeled in part: (Bottle and carton) "Bostwick's White Pine Cough Syrup Alcohol 6 per cent. Chloroform 4 min. * * * Bostwick Bros. Mfg. Chemists Atlanta, Ga."

Analysis showed that the article consisted essentially of extracts of plant drugs, plant alkaloid, and wild cherry, chloroform (0.32 minim per fluid ounce), alcohol, glycerin, sugar, and water.

Adulteration of the article was charged under the allegations that it was represented to contain 4 minims of chloroform; that it contained little, if any, chloroform; and that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was charged (a) under the allegation that its label bore the statement, to wit, "Chloroform 4 Min.", and that the statement was false and misleading; (b) under the allegation that the article contained chloroform and alcohol, and that the label on the carton failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein; and (c) under the allegation that the labels of the bottles and cartons bore statements that the article was effective, among other things, as a treatment, remedy, and cure for coughs, hoarseness, sore throat, and all diseases of the throat and lungs, and that the statements were false and fraudulent.

On October 24, 1935, a plea of nolo contendere was entered and a fine of $100 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25088. Misbranding of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxative Tablets. U. S. v. The Rainey Drug Co., a corporation. Plea of guilty. Fine, $50. (F. & D. no. 33972. Sample no. 48748–A.)

Unwarranted curative and therapeutic claims were made for these products.

On May 23, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rainey Drug Co., a corporation, Chicago, Ill., alleging shipment by it, in violation of the Food and Drugs Act as amended, on or about February 20, 1934, from Chicago, Ill., to Seattle, Wash., of quantities of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxative Tablets which were misbranded. The articles were labeled in part: (Box) "Dr. Rainey's Vitality Tablets * * * The Rainey Drug Co. Chicago, Illinois"; (box) "Dr. Rainey's Laxative Tablets * * * The Rainey Drug Co. 108 West Lake Street, Chicago, U. S. A."

Analyses showed that the vitality tablets contained metallic iron, ferrous carbonate, extracts of plant drugs including cinchona and nux vomica, coated with calcium carbonate; and that the laxative tablets contained plant material, including a laxative drug and a trace of strychnine, coated with calcium carbonate.

Dr. Rainey's Vitality Tablets were alleged to be misbranded in that the label on the box and two circulars enclosed in the box bore and contained false and fraudulent statements that the article was effective, among other things, to insure vitality, to build up the system, digestion, and general health, to help to restore strength and fiber to the blood, to furnish nourishment to the whole body, to help to restore nerve tissue to normal condition, steady the nerves, banish the blues, make you feel full of life, vigor, ambition, and many years younger, to help to build you up in every way, to enrich the blood, to build up the nervous system, to generate vitality, to create nerve force, and to restore full strength and vigor; effective as a treatment, remedy, and cure for conditions such as anemia, nervous debility, indigestion, low vitality, neurasthenia, and heart, kidney, and liver disorders when caused by a run-down condition; effective as a treatment, remedy and cure for anemia, nervous debility, indigestion, low vitality and conditions where a tonic to the heart, nerves, stomach and blood is required; effective to insure health, strength and vigor; effective as health-giving; effective as a treatment, remedy, and cure for stomach trouble, stomach pain, belching, headache, heartburn, bloating, gas, spitting of mucus, gnawing, empty feeling, lump in stomach, food disagreeing, pain

before or after eating, coated tongue, sore mouth, indigestion, pimples, blackheads, sores, blotches, paleness, blood poison, eczema, malaria, enlarged joints or glands, chilliness, feverishness, run-down feeling, debility, weakness, and emaciation; effective for ailments of the blood; effective for ailments of the nerves, nervous debility, weakness, jerking, jumping, excitability, tiredness, worn-out feeling, feeling like falling when the eyes are closed and feet together, restlessness at night, poor memory, melancholia, despondency, waking up unrefreshed, weak trembles, dizziness, fainting spells, hands or feet numb, neuralgia, and lack of energy, strength, and ambition; effective as a treatment, remedy, and cure for heart weakness, skipping of beats, fluttering, palpitation, pain in left side, pain under shoulder blades, shortness of breath, dizziness, sinking sensation, cold extremities, swollen feet, throbbing or hammering sensation, inability to lie on right side or back, rheumatism and asthma when caused by a run-down condition; effective as a treatment, remedy and cure for catarrh, hawking, spitting, accumulation of mucus, watery discharge from the stomach, spitting up of slime, running of nose, sneezing, bad odor, dull headaches, catarrhal deafness, pains in kidneys, bladder, lungs or over entire body, and slimy discharge from bowels; effective to greatly aid in removing the cause thereof; and effective as a treatment, remedy, and cure for thinness, underweight, hollow cheeks, flat chest, scrawny neck, dyspepsia, and thin blood.

Dr. Rainey's Laxative Tablets were alleged to be misbranded in that the label on the box and a circular therein bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for all liver and bowel troubles; effective for sickness that can be traced to an inactive condition of the liver and bowels; effective to restore the bowel muscles to a normal condition; effective to aid the natural functions of the bowels and to restore the normal tone to the muscular coating; and effective to correct biliousness, sick headache, dizziness, and nausea, due to improper bowel elimination.

On November 15, 1935, a plea of guilty was entered, a fine of $50 was imposed, and costs were awarded against the defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

25089. Adulteration and misbranding of powdered extract of nux vomica U. S. P. and solution of ammonium acetate. U. S. v. Schieffelin & Co., a corporation. Plea of nolo contendere. Fine, $500. (F. & D. no. 33974. Sample nos. 67111–A, 67118–A.)

Each of these drugs was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard stated in that authority, and the bottle label of each bore an incorrect statement.

On August 20, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Schieffelin & Co., a corporation, New York, N. Y., charging that it had shipped from New York, N. Y., to Union City, N. J., on January 24, 1934, a bottle of powdered extract of nux vomica U. S. P.; and on January 30, 1934, a bottle of solution of ammonium acetate, and that each drug was both adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "Powdered Extract Nux Vomica U. S. P. * * * Schieffelin & Co. Established 1794"; (bottle) "Solution of Ammonium Acetate (Liquor Ammonii Acetatis U. S. P.) * * * Schieffelin & Co. New York."

Adulteration of the articles was charged under the allegations that they were sold under names recognized in the United States Pharmacopoeia; that the said pharmacopoeia provided that powdered extract of nux vomica should yield not more than 16.8 per centum of the alkaloids of nux vomica; that the article labeled powdered extract nux vomica U. S. P. yielded not less than 18.1 per centum thereof; that the said pharmacopoeia provided that solution of ammonium acetate shall contain not less than 6.5 grams of ammonium acetate per 100 cubic centimeters; that the article labeled solution of ammonium acetate contained not more than 6.07 grams thereof per said unit; that the articles differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and that the strength, quality, and purity of each was not declared on its container.

Misbranding of each of the articles was charged under the allegation that the lettering "U. S. P." on the label of each was false and misleading.

On August 22, 1935, a plea of nolo contendere having been entered, a fine of $500 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25090. Misbranding of Komet, Novak's Female Drops, and Novak's Oil. U. S. v. John Novak Co. Plea of guilty. Fine, $25. (F. & D. no. 33978. Sample nos. 74582–A, 74583–A, 74584–A.)

This case was based on interstate shipments of drug preparations, all of which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The products Novak's Female Drops and Novak's Oil were further misbranded, the former because of an erroneous declaration of the alcohol content and the latter because of the misleading representation in the labeling that the article was an oil.

On June 11, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the John Novak Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 24, 1934, from the State of Illinois into the State of Pennsylvania, of a quantity of Komet, Novak's Female Drops, and Novak's Oil which were misbranded. The articles were labeled in part, variously: "Komet * * * Manufactured by John Novak Company * * * Chicago, Ill."; "Novak's Female Drops Alcohol 50%"; "Novak's Oil."

Analyses showed that Novak's Female Drops contained alcohol, water, glycerin, oil of cloves, and plant material and cramp bark indicated; that Novak's Oil contained alcohol, water, chloroform, menthol, oil of wintergreen, capsicum, and ammonia; and that Komet contained turpentine, camphor, menthol, oil of wintergreen, and capsicum in a petroleum and wax base.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects appearing on the labeling falsely and fraudulently represented that Komet was effective as "a whip for pain, and to pull the trouble out of aches and pain"; effective as a treatment, remedy, and cure for rheumatic pains, stiff neck, backache, swellings, every ache and pain, rheumatism, sciatica, and lumbago; effective to insure perfect health; that Novak's Female Drops were effective as a treatment, remedy, and cure for female ailments; effective as a treatment, remedy, and cure for irregular, painful, or delayed menstruation of both single and married women; and that Novak's Oil was effective as a treatment, remedy, and cure for rheumatism, pain in the back, lameness, swellings, stiff joints, stiff neck, toothache, and all ordinary pains. Misbranding of Novak's Female Drops was alleged for the further reason that the statement "Alcohol 55 to 65 per cent", borne on the carton, and the statement "Alcohol 50%", borne on the bottle label, were false and misleading, since the article contained less alcohol than declared on either the carton or bottle, namely, not more than 38 percent. Misbranding of Novak's Female Drops was alleged for the further reason that the article contained alcohol and the package failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding of Novak's Oil was alleged for the further reason that the statement "Oil", borne on the carton and bottle label, was false and misleading since the said statement represented that the article was an oil, whereas it was not an oil.

On October 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25091. Misbranding of Nature's Mineral Food. U. S. v. Nature's Mineral Food Co., Inc., and Perry B. Smith. Plea of guilty. Fine, $25. (F. & D. no. 33988. Sample no. 3327–B.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling and because of false and misleading claims to the effect that it was a natural food, that it consisted essentially of minerals and contained no drugs.

On May 20, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nature's Mineral Food Co., Inc., and Perry B. Smith, of Indianapolis, Ind., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about July 5, 1934, from the State of Indiana into the State of Missouri, of a quantity of Nature's Mineral Food which was misbranded. The article was labeled in part: "Nature's Mineral Food Co., Inc., * * * Indianapolis, Ind."

Analysis showed that the article consisted essentially of calcium phosphate, calcium carbonate, calcium chloride, magnesium sulphate, sodium chloride,

and small amounts of iron sulphate, potassium iodide, sodium salicylate, and free sulphur.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the carton label, falsely and fraudulently represented that it was effective to promote perfect health and physical loveliness, to purify the blood, to eliminate all poisons, and to clear the complexion; effective as a short cut to health, to insure health and vitality, to rebuild the body, and to give health to all; effective as a treatment, remedy, and cure for all diseased conditions of the blood, stomach, and kidneys, anemia, colitis, diabetes, gall bladder, acidity, arthritis, neuritis, high blood pressure, all forms of rheumatism, and undernourished children. Misbranding was alleged for the further reason that the statements, "Nature's * * * Food", "Essential Minerals", Nature's Way", "All the Essential Minerals", "Without Drugs", and "Guaranteed to conform to all pure food and drug laws", borne on the label, were false and misleading in that they represented that the article was composed essentially of minerals, that it was a food, that it contained no drugs, and that it conformed to the Federal Food and Drugs Act; whereas it was not composed essentially of minerals, it was not a food, it did contain drugs, and did not conform to the Food and Drugs Act of June 30, 1906.

On October 11, 1935, a plea of guilty was entered and the court imposed a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

25092. Misbranding of Gland-O-Lac Coridene. U. S. v. Joe M. Rice, Rollie Theodore Renwald, and Samuel A. Rice, copartners, trading as the Gland-O-Lac Co. Pleas of nolo contendere. Fine, $10. (F. & D. no. 33991. Sample no. 68375–A.)

Unwarranted curative and therapeutic claims were made for this product.

On June 22, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe M. Rice, Rollie Theodore Renwald, and Samuel A. Rice, copartners, trading as the Gland-O-Lac Co., Omaha, Nebr., alleging shipment by them, in violation of the Food and Drugs Act as amended, on or about April 10, 1934, from Omaha, Nebr., to Boston, Mass., of a quantity of Gland-O-Lac Coridene which was misbranded. The article was labeled in part: (Bottle) "Laboratory and Field Tested. For Poultry. The Gland-O-Lac Company Omaha, Nebr."

Analysis showed that the article consisted essentially of a gray emulsion containing chiefly water, hydrochloric and lactic acids, cod-liver oil, and volatile oils including cineol.

The article was alleged to be misbranded in that enclosed in its package was a circular which contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for diseases of poultry, all bowel troubles and disorders in baby chicks, coccidiosis, and diarrhea.

On November 20, 1935, all defendants pleaded nolo contendere. A total fine of $10 was imposed and costs were awarded against them.

W. R. GREGG, *Acting Secretary of Agriculture.*

25093. Adulteration and misbranding of Hygeen Tablets and misbranding of B X Special Multi-Strength Treatment, B X Monthly Relief Compound, and Menstrua. U. S. v. John B. Petrie (B X Laboratories and Purity Products Co.). Plea of guilty. Fine, $50. (F. & D. no. 33995. Sample nos. 65465–A, 4409–B, 4457–B, 13516–B.)

This case was based on interstate shipments of drug preparations, all of which were misbranded because of unwarranted curative and therapeutic effects in the labeling. Further objectionable features in the labeling of certain of the products were as follows: The Hygeen Tablets were represented to be antiseptic and germicidal, whereas they were not antiseptic and germicidal when used as directed; and the B X Special and Menstrua were represented to be harmless, whereas they contained drugs which might be harmful.

On August 9, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John B. Petrie, trading as the B X Laboratories and as the Purity Products Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 22 and August 31, 1934, from the State of Illinois into the State of Michigan and

on or about August 18 and September 6, 1934, from the State of Illinois into the State of Missouri, of quantities of Hygeen Tablets which were adulterated and misbranded and of quantities of B X Special, B X Monthly Relief Compound, and Menstrua which were misbranded. The articles were labeled in part, variously: "B X Special Multi-Strength Treatment * * * Owned and Distributed by B X Laboratories * * * Chicago, Ill."; "B X Monthly Relief Compound Also known as B X Monthly Tablets"; "Menstrua * * * Owned and Produced by Purity Products Company * * * Chicago"; "Hygeen Tablets * * * Purity Products Company."

Analyses showed that the B X Special consisted of a brown liquid containing chiefly apiol and a small amount of ergot; that the B X Monthly Relief Compound consisted of flat, white sugar and lime carbonate-coated pills containing chiefly iron sulphate, aloe, ergot, and a terebinthinate oil resembling oil of savin; that the Menstrua consisted of capsules and tablets, the capsules containing apiol and a small proportion of oil of savin and the tablets containing extracts of plant drugs, including a laxative drug; and that the Hygeen Tablets contained sodium bicarbonate, tartaric acid, a small proportion of silica and starch, and a small amount of an organic chlorinated product, such as chloramine-T. Bacteriological examination of the Hygeen Tablets showed that they were not antiseptic when used as directed and had no germ-destroying power.

The product known as Hygeen Tablets was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be antiseptic when used as directed and to possess one and one-half times the germ-destroying power of carbolic acid per Rideal & Walker phenol coefficiency test, whereas it was not antiseptic when used as directed and had no germ-destroying power.

All products were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the B X Special was effective as a treatment and remedy for menstrual disorders in women; that the B X Monthly Relief Compound was effective as a monthly regulator; effective as a treatment and remedy for female disorders; effective as a remedy for unnaturally sluggish, suppressed, irregular, and delayed periods, including painful, fetid, scanty, absent monthly flow, and other similar troublesome conditions of the menstrual function when due to unnatural causes; effective to tone up the generative organs and the whole system, to reduce congestion of the generative organs, to act directly on the circulation of the uterus, to correct irregularities, to relieve unnatural suppression, and to re-establish the monthly flow; effective as a reliable and efficient remedy in many of the most stubborn and long-standing cases of unnatural suppression, painful menstruation, and other menstrual disorders; effective as a treatment for a morbid, unnatural menstrual condition, and to relieve suffering; effective as a treatment for stubborn, abnormal cases; and effective as a safe and harmless treatment if taken according to directions; that the Menstrua was effective as a treatment, remedy, and cure for menstrual disorders in women; effective as a treatment, remedy, and cure for painful, scanty, fetid or difficult menstruation and when suppression is of two months or longer duration; effective to insure the appearance of the abnormally delayed flow; effective as a treatment for pain and suppression during menses; effective as a reliable remedy composed of safe and harmless ingredients which could powerfully and positively force remarkably speedy results in many of the most stubborn delays arising from the usual unnatural causes; effective as a marvelous monthly regulator; and effective as a remedy for average mild, uncomplicated cases, for slightly stubborn cases of long-standing, and for obstinate long-standing conditions; that the Hygeen Tablets were effective as hygiene tablets; effective as a germ destroyer and to sterilize every vestige of infectious uterine secretions and discharges in the vagina; effective to kill germ life; effective as an antiseptic to safeguard feminine hygiene, and as a dependable and safe antisepsis in absolutely safeguarding against inherent, innate, nonextraneous, infectious germ or bacteriological life in uterine and vaginal discharges and secretions in the vaginal canal; effective to possess rapid surface tension, to pervade and creep into every fold and crevice of the vaginal canal where infectious germs find most secure lodgment; effective as a deodorant for use after menstruation; and effective as a treatment, remedy, and cure for suppurations (discharges), and leucorrhea. Misbranding of the B X Special was alleged for the further reason that the statement "The medicine is harmless", appearing in a circular, shipped with the article, was false and misleading since the article contained apiol and ergot, harmful drugs. Misbranding of the

Menstrua was alleged for the further reason that the statements, "Menstrua is guaranteed to comply with strict requirements of the Pure Food and Drug Law. It is made from * * * safe, harmless ingredients", appearing in the circular shipped with the article, were false and misleading since they represented that the article complied with the requirements of the Federal Food and Drugs Act and was made from safe, harmless ingredients, whereas it did not comply with the Federal Food and Drugs Act and contained laxative and so-called emmenagogue drugs which are not safe and harmless. Misbranding of the Hygeen Tablets was alleged for the further reason that the statements, "Hygeen Tablets", "Germ Destroying Foam", "terriffic * * * germ destruction", "a powerful germ destroying foam which remains active for many hours to sterilize every vestige of infectious uterine secretions and discharges in the vagina", "They have 1½ times the germ destroying power of carbolic acid per Rideal & Walker Phenol Coefficiency Test", "By killing germ life with Hygeen Tablets", "It must maintain its germ-destroying power for many hours after insertion", and "Antiseptic", appearing in the circular shipped with the article, and the statement "Hygeen Tablets", borne on the tubes containing the article, were false and misleading, since the article was not hygiene tablets, it was not a germ destroyer, and was not a powerful germ-destroying foam which remained active for many hours to sterilize every vestige of infectious uterine secretions and discharge in the vagina; said tablets had no germ-destroying power, could not kill germ life, and were not antiseptic when used as directed.

On October 16, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25094. Adulteration and misbranding of Meth-O-Sol and The Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan). U. S. v. George T. Lambert, G. Duke Lambert, and Mary W. Lambert, trading as the Crescent-Kelvan Co. Pleas of nolo contendere. George T. Lambert fined $25 and sentence as to G. Duke Lambert and Mary W. Lambert suspended. (F. & D. no. 34006. Sample nos. 10457–B, 10458–B.)

Unwarranted curative and therapeutic claims were made for these products, and they differed in strength, quality, and purity from the United States Pharmacopoeia standards for the drugs under the names of which they were sold.

On September 4, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George T. Lambert, G. Duke Lambert, and Mary W. Lambert, trading as the Crescent-Kelvan Co., Philadelphia, Pa., alleging shipments by them, in violation of the Food and Drugs Act as amended, in the period from December 4, 1933, to April 9, 1934, from Philadelphia, Pa., to Wilmington, Del., and Atlantic City, N. J., of quantities of Meth-O-Sol and The Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan), which were adulterated and misbranded. The articles were labeled in part: (Jars and cartons) "Meth-O-Sol Use As A Liniment Manufactured exclusively by The Crescent-Kelvan Co. Philadelphia, Pa., U. S. A."; (bottle and carton) "The (Registered Word-Mark) Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan) Originated, Owned and Distributed by The Crescent-Kelvan Company Philadelphia, Pa."

Analyses showed that the Meth-O-Sol consisted of turpentine, camphor, methyl salicylate, and capsicum oleoresin, in a base of paraffin and petrolatum; and that the Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan) was a granular material consisting of sodium phosphate, anhydrous (15.8 percent), sodium sulphate, anhydrous (19.6 percent), magnesium sulphate, anhydrous (10.6 percent), together with an effervescent base of sodium bicarbonate, citric acid, and tartaric acid.

The Meth-O-Sol was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard for the drug of that name stated in that compendium, and its own standard was not declared on the container.

The Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan) was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard for the drug of that name stated in that compendium, and its own standard was not declared on its container.

The Meth-O-Sol was alleged to be misbranded in that the jar and carton labels and a circular enclosed in the carton bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment for congestion or inflammation of the lungs, pneumonia, croup, neuritis, rheumatism, pleurisy, lumbago, backache, sciatica, incipient pneumonia, hoarseness, and sore throat; and effective in the alleviation of tonsillitis and enlarged glands, and as a relief from pain and stiffness of the muscles and joints.

The Cholax Brand Pulvis Effervescens Sodii Phosphatis Comp. (Kelvan) was alleged to be misbranded in that the bottle and carton labels and a circular enclosed in the carton bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment for rheumatism, gout, jaundice, uric acid conditions, dizziness, biliousness, nausea, affections of the stomach, liver, and kidneys; effective to stimulate the intestinal secretions necessary to a healthy digestion and to regulate the liver, kidneys, and bowels; effective as a stomach and liver salt; effective as an antilithic and antirheumatic; effective as a therapeutic value wherever a uric acid solvent, hepatic, stimulant, toxaemic, eliminant, or gastric sedative is required; and effective as an alterative.

On January 21, 1936, pleas of nolo contendere were entered. On February 21, 1936, a fine of $25 was imposed upon George T. Lambert and sentence was suspended as to G. Duke Lambert and Mary W. Lambert.

W. R. Gregg, *Acting Secretary of Agriculture.*

25095. Misbranding of Prescription No. 69. U. S. v. Home Drug Co., a corporation. Plea of nolo contendere. Fine, $50. (F. & D. no. 34022. Sample no. 41455–A.)

Unwarranted curative and therapeutic claims were made for this article.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Home Drug Co., a corporation, Minneapolis, Minn., alleging shipment in violation of the Food and Drugs Act, on or about May 1, 1934, from the State of Minnesota into the State of Iowa of a quantity of Prescription No. 69 that was misbranded. The article consisted of a liquid contained in a bottle and tablets contained in a box, and was labeled in part: (Bottle) "Home Drug Co., Minneapolis, Prescription No. 69 Alcohol .02% * * * Regular Price $2.00 per Bottle"; (box) "Laxative Triangles * * * 25¢ per Package."

Analysis showed that the article consisted essentially of glycerin, together with a small amount of aromatics and plant extractives.

Misbranding of the article was charged under the allegations that the labels of the bottle and box bore, and that a circular in the package contained, statements regarding the curative and therapeutic effects of the article; and that the statements falsely and fraudulently represented that the article was effective, among other things, as a treatment, remedy, and cure for liver and gall bladder trouble, gall colic, liver and gall disorders and stomach trouble; was effective as a treatment for soreness and pain due to liver and bladder troubles; and was effective when used in connection with Laxative Triangles as a treatment for constipation due to liver trouble and gallstone disorders.

On September 30, 1935, a plea of nolo contendere having been entered, a fine of $50 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25096. Adulteration and misbranding of spirits of turpentine. U. S. v. Elk Manufacturing Co. Plea of guilty. Fine, $100. (F. & D. no. 34030. Sample no. 27843–B.)

This case involved an interstate shipment of spirits of turpentine which fell below the standard established by the United States Pharmacopoeia.

On July 8, 1935, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging shipment by said company in violation of the Food and Drugs Act on or about September 5, 1934, from the State of Tennessee into the State of Arkansas, of a quantity of spirits of turpentine which was adulterated and misbranded. The article was labeled in part: "Elk Brand * * * Spirits Turpentine Elk Manufacturing Company * * * Jellico, Tenn."

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that spirits of turpentine is a name recognized in the pharmacopoeia for oil of turpentine and specifies that it is "The volatile oil distilled from the oleoresin obtained from Pinus palustris Miller and other species of Pinus (Fam. Pinaceae) which yield exclusively terpene oils", whereas it had not been distilled as so prescribed, i. e., from living standing pine trees, but was steam-distilled wood turpentine obtained in whole or in part by the steam distillation of dead pine wood.

Misbranding was alleged for the reason that the statement "Spirits Turpentine", borne on the bottle label, was false and misleading in that the said statement represented that the article was spirits of turpentine, i. e., oil of turpentine, and that it conformed to the standard prescribed in the United States Pharmacopoeia; whereas it was not spirits of turpentine, i. e., oil of turpentine and did not conform to the standard prescribed by the United States Pharmacopoeia, but was steam-distilled wood turpentine obtained in whole or in part by the steam distillation of dead pine wood.

The information also charged a violation of the Naval Stores Act reported in notice of judgment no. 11, published under that act.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100 for violation of both acts.

W. R. Gregg, *Acting Secretary of Agriculture.*

25097. Misbranding of Tussamag. U. S. v. Robert M. Froehlich (Right-O Products Co.). Plea of guilty. Fine, $25. (F. & D. no. 34036. Sample no. 21516–B.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On July 24, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert M. Froehlich, trading as the Right-O Products Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 4, 1934, from the State of New York into the State of New Jersey of a quantity of Tussamag which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including thyme, a saponin, glycerin, sugar, alcohol, and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the bottle labels and cartons and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pharyngitis, laryngitis, all kinds of bronchitis, bronchial asthma (dyspnoea), pertussis, pulmonary tuberculosis, whooping cough and diseases of the respiratory tract, pulmonary diseases, acute, subacute, and chronic bronchitis, bronchopneumonia, subsequent bronchitis after tuberculosis and bronchoectasias, and effective to increase the metabolism by amplifying the resorption.

On July 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25098. Misbranding of (1) Stearns' Astringosol; (2) Dr. J. D. Kellogg's Asthma Remedy; (3) Frese's Hamburg Tea; (4) Garfield Tea or Stillman's Liver and Kidney Remedy; (5) Grantillas; (6) Dr. J. H. McLean's Universal Liver Pills; (7) Chamberlain's Salve; (8) Dr. Hobson's Whooping Cough Syrup; (9) Hobo Kidney and Bladder Remedy; (10) Ki-La-Ga; (11) Lee's Creo-Lyptus; (12) Requa's Charcoal Tablets; (13) Vinco Herb Tablets. U. S. v. John Laurens O'Bannon (Progress Wholesale Drug Co.) Plea of guilty. Fine, $400. (F. & D. no. 34039. Sample nos. 52861–A, 52862–A, 52863–A, 63084–A, 63401–A to 63407–A, incl., 4047–B, 4048–B.)

This case was based on interstate shipments of various proprietary medicines all of which were labeled with unwarranted curative and therapeutic claims. The labeling of the Garfield Tea, Dr. Hobson's Whooping Cough Syrup, and the Creo-Lyptus were further objectionable, the first named because it was represented to conform to the requirements of the Federal Food and Drugs Act, and did not so conform, and the last two named because the declaration of the chloroform content was not correct.

On August 14, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Laurens O'Bannon, trading as the Progress Wholesale Drug Co., Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about April 4, 1934, from the State of Texas into the States of Arizona and Louisiana, on or about April 7, 1934, from the State of Texas into the State of California, and on or about May 23, 1934, from the State of Texas into the State of Arizona, of quantities of proprietary medicines which were misbranded. The articles were labeled in part: (Bottle) "Stearns' Astringosol * * * Frederick Stearns & Co., Detroit, U. S. A."; (box) "Dr. J. D. Kellogg's Asthma Remedy * * * Northrop & Lyman & Co., Inc., Buffalo, N. Y. Toronto, Canada"; (package) "Coffin Redington Co., Manufacturers, San Francisco, Frese's Trade Mark Hamburg Tea"; (package) "Garfield Tea or The Stillman Liver & Kidney Remedy * * * Garfield Tea Co., Brooklyn, N. Y."; (wrapper) "Grantillas Marca Dr. Fabrica (Formula by Dr. Robert Milton Grant) * * * Dr. Grant's Laboratories, Norwalk, Conn., U. S. A."; (carton) "Dr. J. H. McLean's Universal Pills Manufactured For The Dr. J. H. McLean Med. Co., St. Louis, Mo."; (jar) "Chamberlain's Salve * * * Prepared Only By Chamberlain Medicine Co., Des Moines, Iowa"; (carton and bottle) "Dr. Hobson's Whooping Cough Syrup * * * No. 42 Pfeiffer Chemical Company Offices New York, St. Louis"; (carton and bottle) "Hobo * * * Kidney and Bladder Remedy * * * Manufactured by Hobo Medicine Co. Sole Owners Beaumont, Texas"; (bottle) "Ki-La-Ga * * * Bottled and Distributed Only By The Ki-La-Ga Company Lincoln, California, Main Office Sacramento, California"; (bottle) "Lee's Creo-Lyptus * * * Creo Lyptus Co., New York, Kansas City, Mo."; (can) "Requa's Charcoal Trade Mark Tablets * * * Pure Refined Charcoal Requa M'f'g Co., Inc., New York"; (box) "Vinco Herb Tablets * * * Vinco Herb Company, Dayton, Ohio."

Samples analyzed by this Department showed the following facts: Stearn's Astringosol consisted essentially of small proportions of zinc chloride and a resinous material such as myrrh, alcohol (70 percent by volume), and water flavored with methyl salicylate; Dr. J. D. Kellog's Asthma Remedy was composed of powdered plant material, including stramonium; Frese's Hamburg Tea consisted essentially of ground plant material including senna, lavender, and coriander; Garfield Tea or Stillman's Liver and Kidney Remedy was composed of ground plant material including senna; Grantillas consisted of tablets and sugar-coated pills, the tablets containing extracts of plant drugs including laxative drugs, the pills containing extracts of plant drugs including an alkaloid-bearing drug; Dr. J. H. McLean's Universal Liver Pills contained extracts of plant drugs including a laxative drug; Chamberlain Salve consisted essentially of ammoniated mercury incorporated in a petrolatum and paraffin base; Dr. Hobson's Whooping Cough Syrup consisted essentially of ammonium chloride, chloroform (1.02 minims per fluid ounce), a compound of antimony, pine tar, sugar, and water; Hobo Kidney and Bladder Remedy consisted essentially of extracts of plant drugs, small proportions of salicylic acid and benzoic acid, glycerin, sugar, and water; Ki-La-Ga consisted essentially of inorganic minerals in solution and partially in suspension including compounds of iron, aluminum, magnesium, zinc, copper, calcium, and sulphates and chlorides; Lee's Creo-Lyptus consisted essentially of ammonium chloride, creosote, extracts of plant drugs including eucalyptus and pine, alcohol (1.3 percent by volume), chloroform (0.03 minim per fluid ounce), sugar, and water; Requa's Charcoal Tablets were composed essentially of charcoal; Vinco Herb Tablets contained extracts of plant drugs including hydrastis and a laxative drug coated with sugar, calcium carbonate, and iron oxide.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects appearing in the labeling of the various products, falsely and fraudulently represented that Stearns' Astringosol was effective as a prophylactic; and as a treatment, remedy, and cure for pyorrhea, trench-mouth disease, inflamed, soft, spongy, bleeding, and receding gums; effective as a spray or gargle for tonsillitis and ordinary sore throat; effective to purify the mouth and breath, and to aid in protecting the health of the mouth, teeth, and gums; effective as a cure for severe pyorrhea, and as a preventive thereof; effective as a preventive of toothache, neuralgia, sore, inflamed and ulcerated gums, gum boils, tooth abscesses, canker sores, inflamed and ulcerated conditions of the mouth, loosened teeth, inflamed and swollen salivary glands, sore throat, tonsillitis, quinsy, dyspepsia,

certain intestinal troubles, headache, malnutrition, anemia, pneumonia, and tuberculosis, due to defective mouth conditions; and effective to preserve the gums and save the teeth, to keep the mouth clean and healthy, to eradicate pyorrhea or Riggs' disease, and to harden and assist nature in restoring to a normal condition sore, spongy, and bleeding gums; that Dr. J. D. Kellogg's Asthma Remedy was effective as a remedy for asthma in all its forms, hay fever, bronchitis, and catarrh; that the Frese's Hamburg Tea was effective as a treatment, remedy, and cure for disorders of the digestive system; effective to regulate the bowels; effective as a treatment, remedy, and cure for indigestion, dyspepsia and blood and skin ailments, caused by constipation; effective as a treatment of eruptions of the skin and other similar ailments resulting from clogged bowels; effective to restore the appetite and reestablish digestion; and effective to prevent serious ailments following unnatural conditions; that the Garfield Tea was effective as a treatment for the complexion; effective to clear the complexion and bring that matchless hue which health alone paints; effective as a treatment, remedy, and cure for painful and suppressed menstruation and other female weaknesses; effective as a treatment, remedy, and cure for fretfulness, teething, stomach and bowel trouble in babies; effective to relieve and cure piles, and as a remedy for liver and kidney troubles and ailments of the stomach and bowels, to purify the blood, to prevent rheumatism, consumption, dropsy, scrofula, and blood diseases, and to cleanse the system; effective to aid in maintaining a healthy action of the liver, kidneys, and bowels; effective to have a direct and specific action upon the liver, to open the sewerage of the system, and to remove the principal cause of blood poisoning; effective as a treatment, remedy, and cure for dyspepsia, piles and chronic diseases, headache, rheumatism, dropsy, tumors, cancer, blood diseases, kidney disease, catarrh of the bowels, indigestion and all cases of female trouble and chronic constipation; and effective to help nature to throw off excess poisons of the blood that bring on troubles of the heart, kidneys, stomach, and bowels, rheumatism, and scores of other diseases; that the Grantillas were effective as a uterine tonic; effective as a treatment of the weaknesses of female generative organs, and ills peculiar to women; effective as a nervine and tonic, and as useful in the nervous diseases of pregnancy; effective to prevent miscarriage; and effective as a remedy for dysmenorrhoea, after pains, ovarian irritation, menorrhagia, hysteria, amenorrhoea, and uterine subinvolution; effective as a treatment for uterine pains; effective as a uterine stimulant; and effective to mitigate the pains of childbirth, and as a treatment for uterine inertia; and effective to overcome habitual costiveness; that Dr. J. H. McLean's Universal Liver Pills were effective, as a treatment, remedy, and cure for liver complaints and biliousness; effective as a relief for lumbago, bowel complaint, nausea, swimming in the head, yellowness of the skin, low spirits, and bilious fever when due to sluggish bowel movements; and effective as prompt to act on the liver and stomach; that the Chamberlain Salve was effective as a treatment, remedy, and cure for diseases of the skin, sore nipples, sore lips, piles, eczema, tetter, herpes, barbers itch, salt rheum, and chronic inflamed eyelids; that Dr. Hobson's Whooping Cough Syrup was effective, as a relief, treatment, remedy, and cure for whooping cough; that the Hobo Kidney and Bladder Remedy was effective as a treatment and remedy for kidney and bladder troubles; that the Ki-La-Ga was effective as a treatment, remedy, and cure for eczema, tetter, salt rheum, milk crust, hives, itch, barber's itch, poison-oak, poison-ivy, hop poison and all similar skin troubles, ringworm, boils, pimples, burns, infected sores, rashes, various skin eruptions, dandruff and all scalp diseases, catarrh, hay fever, sore throat, tonsilitis, bronchitis, ulcerated sore throat, asthmatic ailments, sore and tender feet, pain and soreness caused by corns and bunions, pyorrhea, piles, wounds, lacerations, cuts, all sores and skin diseases; effective as a soothing and healing application; effective to relieve toothache, erysipelas and other ills, hay fever, catarrh, dandruff, falling hair, sore, tender feet, bunions, piles, bleeding piles, and severe sore throat; effective as a healing power; and effective to promote hair growth; that Lee's Creo-Lyptus was effective as a remedy and cure for whooping cough and croup; and effective as a relief for inflamed tissues, persistent coughs, bronchial congestion, and whooping cough; that the Requa's Charcoal Tablets were effective as a treatment, remedy, and cure for stomach troubles, bad breath, heartburn, headache, acid stomach, constipation, biliousness, headache caused by any disorder of the stomach, dyspepsia, indigestion, gastritis and sour stomach; effective as a mild physic; effective to arrest fermentation and to cause complete digestion; effective to bring back

lost health; effective to relieve acidity of the stomach and flatulency, and to neutralize those gases that rise from imperfectly digested food; effective as a treatment, remedy, and cure for indigestion of the stomach and intestines resulting from rheumatism, constipation, pimples, kidney trouble, bilious and nervous disorders; and effective to stop excessive fermentation of food and to quickly relieve indigestion, dyspepsia, heartburn, sour stomach, and all distress after eating; that the Vinco Herb Tablets were effective as a remedy and cure for stomach, liver, kidneys, bowels and blood ailments; sour stomach, bilious headache, irritability, loss of energy, torpid or congested liver, temporary irregularity, tardiness or suppression of the mentrual discharge, biliousness, headache, weak nerves, female weakness, backache, lost vitality, rheumatism, kidney and urinary troubles, indigestion, constipation, eczema, scrofula, boils, and eruptions; effective as a stomach tonic and to improve the appetite; effective as a treatment for impure blood; effective to prevent fatal diseases and prolonged illness due to indigestion and constipation; effective to produce rich red blood; effective as a system cleanser and bowel regulator; and effective to stimulate the appetite, to aid digestion, and to give renewed strength and vigor by helping to restore the system to its normal healthy condition.

Misbranding of the Garfield Tea was alleged for the further reason that the statement, "Serial No. 384. Guaranteed by the Garfield Tea Co. under the Pure Food and Drugs Act, June 30, 1906. We guarantee that all preparations of our manufacture are not adulterated or misbranded within the meaning of The National Pure Food and Drugs Act, approved June 30th, 1906, and that they conform in every respect to the requirements of this Act", contained in the booklet shipped with the article, and the statement, "Serial No. 384, Guaranteed by the Garfield Tea Co. under the Food and Drugs Act, June 30, 1906", borne on the packages, were false and misleading in that they represented that the article conformed to the requirements of the Federal Food and Drugs Act; whereas it did not conform to the requirements of the Federal Food and Drugs Act. Misbranding of Dr. Hobson's Whooping Cough Syrup and Lee's Creo-Lyptus was alleged for the further reason that the statements, "Chloroform 2 Minims in each fluidounce", borne on the cartons and bottle label of the former, and the statement "Chloroform 3 Mi. to oz." borne on the bottle label of the latter, were false and misleading since Dr. Hobson's Whooping Cough Syrup contained not more than 1.02 minims of chloroform per fluid ounce and Lee's Creo-Lyptus contained not more than 0.03 minims of chloroform per fluid ounce. Misbranding of Dr. Hobson's Whooping Cough Syrup and Lee's Creo-Lyptus was alleged for the further reason that they contained chloroform and the labels on the packages fail to bear a statement of the quantity or proportion of chloroform contained therein.

On September 27, 1935, the defendant entered a plea of guilty and the court imposed a fine of $400.

W. R. Gregg, *Acting Secretary of Agriculture.*

25099. Adulteration and misbranding of special preparations of colchicum, hyoscyamus, and nux vomica, respectively. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 34041. Sample nos. 3060–B, 3061–B, 3062–B.)

This case was based on interstate shipments of drugs described as special preparations of colchicum and nux vomica, respectively, which were below the strength declared on the labels, and a lot of special preparation of hyoscyamus, which was above the strength declared.

On July 26, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about July 13, 1934, from the State of Illinois into the State of Ohio, of quantities of drugs which were adulterated and misbranded. The articles were labeled in part: "Chicago Pharmacal Company's Special Preparation Colchicum [or "Hyoscyamus" or "Nux Vomica"] Alcohol—45% Each ounce represents 218 grains of drug. This preparation is about five times the strength of the U. S. P. tincture. * * * Chicago Pharmacal Company, Chicago."

Adulteration of the special preparations of colchicum and nux vomica was alleged for the reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that each

fluid ounce was represented to contain 218 grains of colchicum and nux vomica, respectively, and to be about five times the strength of United States Pharmacopoeia tinctures; whereas the special preparation of colchicum contained less than 218 grains, namely, not more than 145 grains of colchicum, and was not more than four times the strength of United States Pharmacopoeia tincture of colchicum and the special preparation of nux vomica contained less than 218 grains, namely, not more than 156.1 grains of nux vomica and was not more than three and two-thirds times the strength of United States Pharmacopoeia tincture of nux vomica. Adulteration of the special preparation of hyoscyamus was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be about five times the strength of United States Pharmacopoeia tincture of hyoscyamus whereas its strength was greater than so represented, namely, not less than six times the maximum strength of United States Pharmacopoeia tincture of hyoscyamus.

Misbranding was alleged for the reason that the statements "each ounce represents 218 grains of drug" with respect to the special preparations of colchicum and nux vomica and the statements, "Special Preparation Colchicum [or "Hyoscyamus" or "Nux Vomica"]" and "This preparation is about five times the strength of the U. S. P. tincture", with respect to all products were false and misleading since the special preparations of colchicum and nux vomica contained less colchicum and less nux vomica than declared and were less than about five times the strength of United States Pharmacopoeia tinctures of colchicum and nux vomica, respectively, and the special preparation of hyoscyamus was more than about five times the strength of United States Pharmacopoeia tincture of hyoscyamus.

On October 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25100. Adulteration and misbranding of Wards Acetanilide Compound Tablets, Wards Quinine Sulphate Tablets, Wards Iron, Quinine and Strychnine Tablets; and adulteration of Wards Elixir of Three Bromides. U. S. v. Savoy Drug & Chemical Co., a corporation. Plea of guilty. Fine, $15. (F. & D. no. 34054. Sample nos. 3703–B, 3704–B, 3705–B, 23013–B.)

The labels of these drugs bore incorrect statements regarding their strength and purity.

On September 18, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Savoy Drug & Chemical Co., a corporation, Chicago, Ill., alleging shipment in violation of the Food and Drugs Act as amended, on or about June 25, 1934, and March 5, 1935, from Chicago, Ill., to St. Paul, Minn., of quantities of Wards Acetanilide Compound Tablets, Wards Quinine Sulphate Tablets, Wards Iron, Quinine and Strychnine Tablets, and Wards Elixir of Three Bromides, of which one was adulterated and the others were both adulterated and misbranded. The articles were labeled in part: (Bottle and carton) "Wards Acetanilide Compound Tablets, Acetanilide 3½ Gr."; (bottle and carton) "Wards Quinine Sulphate Tablets 2 Grains"; (bottle and carton) "Wards Iron, Quinine and Strychnine Tablets"; (bottle) "Wards Elixir of Three Bromides, Alcohol 4%." Each of the articles bore on its label the words "Distributed by Montgomery Ward & Co. Chicago."

Adulteration of Wards Acetanilide Compound Tablets was charged under the allegations that each of the tablets was represented to contain 3½ grains of acetanilid, that each contained not more than 3.065 grains thereof and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of Wards Quinine Sulphate Tablets was charged under the allegations that each of the tablets was represented to contain 2 grains of quinine sulphate; that each contained not more than 1.64 grains thereof, and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of Wards Iron, Quinine and Strychnine Tablets was charged under the allegations that each of the tablets was represented to contain 1 grain of reduced iron, that each contained not more than 0.56 grain thereof, and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of Wards Elixir of Three Bromides was charged under the allegations that the article was sold under a name recognized in the National Formulary; that the said formulary provided that 1,000 cubic centimeters of elixir of three bromides should contain not less than 80 grams each of ammonium bromide, potassium bromide, and sodium bromide; that the article contained not more than 10.1 grams of ammonium bromide, not more than 8.93 grams of potassium bromide, and not more than 13.04 grams of sodium bromide, per 1,000 cubic centimeters; and that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary.

Misbranding of Wards Acetanilide Compound Tablets was charged under the allegations that there was borne on the carton and bottle label the statement, to wit, "Acetanilide 3½ Gr. Per Tablet"; that the said statement represented that each of the said tablets contained 3½ grains of acetanilid; that each of said tablets did not contain 3½ grains of acetanilid, and that each contained a less amount thereof and that the aforesaid statement was false and misleading.

Misbranding of Wards Quinine Sulphate Tablets was charged under the allegations that the carton and the bottle label bore the statement, to wit, "Wards Quinine Sulphate Tablets 2 Grains"; that said statement represented that each of said tablets contained 2 grains of quinine sulphate; that each of said tablets did not contain 2 grains of quinine sulphate, and that each contained a less amount thereof; and that the aforesaid statement was false and misleading.

Misbranding of Wards Iron, Quinine and Strychnine Tablets was charged under the allegations that the bottle label bore the statement, to wit, "Tablets Iron Reduced 1 gr."; that said statement represented that each of said tablets contained 1 grain of reduced iron; that each did not contain 1 grain of reduced iron, and that each contained a less amount; and that the aforesaid statement was false and misleading.

On December 16, 1935, a plea of guilty having been entered, a fine of $15 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25101. Misbranding of Candy Worm Expeller. U. S. v. 22 Dozen Cans of Candy Worm Expeller. Default decree of condemnation and destruction. (F. & D. no. 34285. Sample no. 47698–A.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling was further objectionable, since it conveyed the impression that the product was safe for children as well as adults, whereas it contained a drug that might be harmful when used according to directions.

On November 7, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 dozen cans of Candy Worm Expeller at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about March 30, 1933, by Furst & Thomas, from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Candy Worm Expeller * * * Manufactured for Furst-McNess Co. * * * Freeport, Illinois."

Analysis showed that the article consisted essentially of pink compressed tablets containing chiefly sugars, about 0.4 grain of santonin, and a small amount of coloring matter in each tablet.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: (Tin box) "Candy Worm Expeller A safe and Pleasant Remedy For Children and Adults Directions Dissolve the tablets slowly in the mouth or chew up like candy and swallow. Take twice a day on an empty stomach, just before retiring at night and the first thing in the morning, for three days in succession. Then omit for three days and repeat if necessary. If bowels do not move freely by the third day use F. W. McNess' Candy Laxative or Sen-Lax. Dose—for children 2 to three years, ½ tablet; 4 to 6 years, 1 tablet; 7 to 9 years, 1½ tablets; 10 to 12 years, 2 tablets; 13 to 15 years, 3 tablets; over 15 years, 4 to 6 tablets"; (circular) "Candy Worm Remedy, a strictly reliable medicine * * * The formula has been tested with unfailing results for many years past by thousands of the best physicians in this country and Europe, so we feel it is as nearly perfect as science and skill can make it. * * * We have put up this reliable, pleasantly

flavored, tested preparation in convenient form to use, with plain simple directions * * * Directions * * * The medicine will act more surely and promptly if the stomach and bowels contain little or no food. For this reason it is a good thing to have the patient fast altogether for a day if possible, taking plenty of water but no food. Then give one dose every four hours for three doses and follow with a laxative. Repeat in four or five days if necessary. [Dose same as recommended on box]."

Misbranding was alleged for the further reason that the following statements in the labeling were false and fraudulent: (Tin box) "Candy Worm Expeller"; (circular) "Worm Remedy * * * Candy Worm Remedy * * * tape worm is comparatively rare, especially in children. Children playing in the ground get their hands covered with earth and many times put the hands to the mouth and in this way transfer the germ cells to the body. Tape worms are thought to be caused by swallowing the 'germ cells' or eggs which are often contained in meats. Proper cooking destroys these 'germ cells'; hence the oft repeated caution against eating raw or partially cooked meats. Among the most common symptoms may appear an unnatural thirst, dry, persistant (sic) cough, irregular appetite, itching of the nose, offensive breath, disturbed sleep, grinding of the teeth in sleep, colicky pains and sometimes even convulsions. Puny children suffering from malnutrition are often affected with worms. [Directions and dose as above indicated.]"

On November 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25102. Misbranding of Powers Asthma Relief. U. S. v. 95 Cans and 35 Cans of Powers Asthma Relief. Default decree of condemnation and destruction. (F. & D. no. 34375. Sample nos. 16548–B, 16549–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On November 14, 1934, the United States attorney for Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 small cans and 35 large cans of Powers Asthma Relief at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the E. C. Powers Co., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium nitrate and plant material including stramonium.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Metal containers, large and small size) "Asthma Relief For The Relief of Asthma And Hay Fever * * * severe * * * worst cases * * * Asthma Relief Formerly Known As * * * Asthma Specific"; (circulars, large and small size) "Asthma And Hay Fever * * * Spasmodic Asthma. It is not my purpose in this brief pamphlet to enlarge on the various theories as to the cause, relief, and cure of Asthma and Hay Fever, but to briefly describe the most prominent symptoms and outline a rational method of treatment, which is simple, comparatively inexpensive, and generally satisfactory. Asthma is, in the strictest sense, a paroxysmal disease; that is, the attack is sudden, and usually in the night; yet there are many exceptional cases, where the spasm is as severe and of as frequent occurrence during the day. Notwithstanding its suddenness, asthmatics are nearly always warned of an approaching attack by some of the following Symptoms Headache or drowsiness, want of appetitie, the discharge of a large quantity of nearly colorless urine, tightness across the chest, and flatulency are the most prominent symptoms which often precede for several hours, or even longer, an attack of asthma; but these symptoms may be slight or altogether absent. Should the paroxysm come on in the night or during sleep, the sufferer becomes restless and is often disturbed by frightful dreams. He starts suddenly from a sound sleep into an erect position, and a feeling of approaching suffocation comes over him. The respiration is wheezy and whistling, the nostrils are dilated, and extreme suffering and anxiety are depicted on the features. One moment the face will be pale, and the next flushed, while in many cases it alternates from one condition to the other. On awaking, the first impulse is to fly to the window

for air, and, though it may be the coldest night of winter, he rarely experiences any ill effects from the exposure. Causes The cause which underlies all cases of asthma is the spasmodic contraction of the minute bronchial tubes, owing in part to a diseased nervous condition. Secondary or exciting causes are numerous, but are powerless to produce asthma, except in persons predisposed to it. The odor of new-mown hay sometimes produces 'hay asthma.' The inhalation of dust, the fumes of burning sulphur,—from a lighted match, for example,—or the powder of various dried plants and roots, especially that of ipecac, or the dust of grain or coal, each of these, with various other dusts and odors, may excite asthma in those predisposed to it. Violent mental emotions, indigestion, constipation, disorders connected with the menstrual functions, excess in eating and drinking, overwork of body or mind, and want of sleep may each be the exciting cause of asthma, and so may any habit or influence which depresses the nervous system and saps the general vitality and, finally, taking cold very frequently brings on the disease. Hence it is of more frequent occurrence in winter, and the spasms are more violent and longer continued than in summer. Treatment Asthma is one of the few diseases which are rarely cured although marked benefit almost always follows proper treatment. During the period of freedom from the disease, every effort should be made to correct all irregularities of the system, such as constipation, dyspepsia, general debility, etc. Removal to another climate often proves beneficial, or going from the city to the country, or the reverse; but changes of residence almost invariably afford but temporary relief. Constitutional treatment, however, is not enough. We need something to control the paroxysms speedily and with safety to the patient. The originator of Powers' Asthma Relief, in his long experience as a dispensing pharmacist, has closely and interestedly watched the course of this hitherto unmanageable disease on a large number of his customers. For several years he made this disease a special study, having access to the best medical works on the subject, and the advice of physicians of extensive practice, and the result of all these years of study, observation, and experiment is embodied in Powers' Asthma Relief, which for over Thirty Years has received the hearty indorsement of an ever-increasing number of sufferers. Its effects have been closely observed in many cases of every shade of severity, defects remedied, and improvements made until it is now presented to you as a Valuable, Safe, And Reliable Preparation For The Relief of the most aggravated cases of Spasmodic Asthma, and that milder form, commonly known as Hay Asthma or Hay Fever. * * * severe * * * worst cases."

Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading since they created an impression that the article conformed to the requirements of the Food and Drugs Act whereas it did not: "That it may in all respects conform to the requirements of The Food and Drugs Act of June 30, 1906, the name has been changed, but No Change Has Been Made In The Formula nor is it necessary by the enactment of this law."

On November 12, 1935, the E. C. Powers Co., having withdrawn its claim and answer, and no other claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25103. Misbranding of Roo-Mo-Rub. U. S. v. 249 Packages and 141 Packages of Roo-Mo-Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35374. Sample no. 24519–B.)

The alcoholic content of this article was not stated on the carton in which it was shipped. The statement in that regard on the bottle label was in small type and was inconspicuously placed. An examination of the article showed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed on the bottle label, and in statements appearing on the carton in which it was shipped and in a circular enclosed in the package.

On April 12, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 290 packages of Roo-Mo-Rub at Atlantic City, N. J., alleging that the article had been shipped on or about February 2, 1935, by the Roo-Mo-Rub Corporation, from Philadelphia, Pa., to Atlantic City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Roo-Mo-Rub."

Analysis of a sample of the article by this Department showed that it consisted essentially of alcohol (80 percent), water, and a small proportion of methyl salicylate, colored bright amber.

It was alleged in the libel that the article was misbranded (a) in that the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, and (b) in that the bottle label and the carton bore, and a circular enclosed in the package contained, among other statements, false and fraudulent statements regarding the curative or therapeutic effects of the article in the treatment of pain arising from swollen glands and joints, rheumatism; sore and aching feet, nerves; muscular lumbago; minor burns; eruptions; sciatica; swollen and stiff joints; swellings; cuts; wounds; open sores; inflammations due to outdoor exposures; pus cavities; chafings; abrasions; suppurative sores and pus areas; catarrhal conditions of mucous surfaces; scarlet, typhoid; scarlatina and other fevers; pneumonia; debilitated conditions; gout; erysipelas; mastitis; boils; carbuncles; sore throat, bronchial and laryngeal cold, bronchitis; headache; sore feet; neuritis."

On September 4, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25104. Adulteration and misbranding of fluidextract of cinchona compound, detannated; fluidextract of cinchona, detannated; fluidextract of conium fruit; fluidextract of ipecac; elixir of aloin, belladonna, and strychnia; elixir of calisaya bark, iron, bismuth, and strychnia; elixir of bismuth and hydrastia; Elixir Anti-Malarial; elixir of calisaya, iron, and strychnine; and adulteration of tincture of ipecac. U. S. v. 6 Bottles and 12 Bottles of Fluid Extract Cinchona Comp., Detannated, and 9 other libel proceedings with respect to various other drugs. Default decrees of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 35560 to 35567, incl., 35569, 35570. Sample nos. 22657–B, 22658–B, 22663–B, 22666–B, 22669–B, 22672–B, 22676–B, 22677–B, 22686–B, 22687–B.)

Examination of samples of these drugs disclosed that each contained an amount of ingredient different from that declared on its label; that all excepting the tincture of ipecac bore labels containing statements with regard to essential ingredients that were incorrect; that the fluidextract of ipecac was represented to be of pharmacopoeial standard, although without the essentials to conform to the standard fixed by the United States Pharmacopoeia; that the tincture of ipecac was represented to be of formulary standard, although without the essentials to conform to the standard fixed by the National Formulary; and that the label of the fluidextract of cinchona, detannated, bore unwarranted curative and therapeutic claims.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court 10 libels praying seizure and condemnation of 10 articles of drugs at New Orleans, La., alleging that they had been shipped in interstate commerce, on or about March 27, 28, and 30, 1934, by the Southwestern Drug Corporation, Houston, Tex., from that city to New Orleans, La., and charging adulteration with respect to the tincture of ipecac and adulteration and misbranding with respect to the other drugs in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "From the Laboratory of Houston Drug Company, Houston, Texas."

Analysis of the fluidextract of cinchona, detannated, showed that the article yielded not more than 0.53 gram of alkaloids per 100 cubic centimeters, representing per cubic centimeter not more than 0.133 gram of cinchona bark containing 4 percent of ether-soluble alkaloids.

Adulteration of the fluidextract of cinchona compound, detannated, was charged under the allegations that the professed standard under which it was sold was stated upon the bottle label thus: "Standard Of Strength—One Pint represents: Red Cinchona Bark, 8 troy ounces; * * * The red bark used in this preparation contains not less than 5 per cent of total alkaloids"; that the article yielded not more than 0.76 gram of alkaloids per 100 milliliters; that the said quantity of the alkaloids represented, per pint, 2.3 troy ounces of red cinchona bark containing 5 percent of alkaloids; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the fluidextract of cinchona, detannated, was charged under the allegations that the professed standard under which it was sold was stated upon the label thus: "Standard Of Strength—Each C. C. represents one gram

of bark containing four per cent ether soluble alkaloids"; that the article yielded not more than 0.53 gram of alkaloids per 100 cubic centimeters; that the said quantity of the alkaloids represented, per cubic centimeter, not more than 0.133 gram of cinchona bark containing 4 percent ether-soluble alkaloids; and that the strength of the article fell below the professed standard or quality under which it was sold.

Adulteration of the fluidextract of conium fruit was charged under the allegations that the professed standard under which it was sold was stated upon the label thus: "Standard Of Strength—0.35–0.45% of coniine weighed as hydrochloride"; that the article yielded per 100 milliliters 0.014 gram of alkaloids; that the said quantity of alkaloids was equivalent to 0.018 gram of coniine hydrochloride; and that the strength of the article fell below the professed standard or quality under which it was sold.

Adulteration of the fluidextract of ipecac was charged (a) under the allegations that the article was sold under a name recognized in the United States Pharmacopoeia; that the said pharmacopoeia stated that the fluidextract of ipecac yielded from each 100 cubic centimeters not less than 1.35 grams of ether-soluble alkaloids of ipecac; that the article yielded not more than 1.06 grams of ether-soluble alkaloids per each 100 cubic centimeters; that the article differed from the standard of strength as determined by the test laid down by the said pharmacopoeia, and that its own standard was not stated on the container; (b) under the allegation that the standard under which the article was sold was stated thus: "Standardized 1.8–2.2% Ether-Soluble Alkaloids"; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the elixir of aloin, belladonna, and strychnia was charged under the allegations that the standard under which it was sold was stated thus: "Each fluid drachm containing * * * Ext. Belladonna Leaves, 1/8 grain; Strychnia, 1–60 grain * * *"; that the article yielded per 100 milliliters not more than 0.020 gram of alkaloids; that said quantity of alkaloids was equivalent to not more than 0.0114 grain of alkaloids per fluid drachm; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the elixir of calisaya bark, iron, bismuth, and strychnia was charged under the allegations that the standard under which it was sold was stated thus: "Each fluid drachm containing 5 grains of Calisaya Bark, * * *"; that the article yielded 0.146 gram of alkaloids per 100 milliliters; that the said quantity of alkaloids represented not more than 2.92 grams of cinchona bark per 100 milliliters or 1.66 grains of cinchona bark (calisaya bark) per fluid drachm; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the elixir of bismuth and hydrastia was charged under the allegations that the standard under which it was sold was stated thus: "Each fluid drachm contains: * * * Hydrastia Alkaloid, 1/8 grain"; that the article yielded per 100 cubic centimeters not more than 0.0074 gram of hydrastine (hydrastia alkaloid); that the said quantity of hydrastine was equivalent to not more than 0.00422 grain (one two hundred and thirty-seventh of a grain) per fluid drachm; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of elixir anti-malarial was charged under the allegations that the standard of strength under which it was sold was stated thus: "Each fluid drachm contains: * * * Cinchona Alk., 1 gr."; that the article contained not more than 1.38 grams of cinchona alkaloid per 100 milliliters; that said quantity of cinchona alkaloid was equivalent to not more than 0.79 grain per fluid drachm; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the elixir calisaya iron and strychnine was charged under the allegation that the standard of strength under which it was sold was stated thus: "Each fluid ounce represents: Calisaya Bark, 40 grains * * *"; that the article contained in each 100 milliliters 0.08 gram of alkaloids, and that said quantity of alkaloids represented 7.3 grains of calisaya bark per fluid ounce; and that the strength of the article fell below the professed standard under which it was sold.

Adulteration of the tincture of ipecac was charged under the allegations that it was sold under a name recognized in the National Formulary, that the said formulary specified that tincture of ipecac yielded per 100 cubic centimeters not less than 0.135 gram of ether-soluble alkaloids, that the

article yielded not more than 0.056 gram of alkaloids per 100 cubic centimeters, that the article differed from the standard of strength as determined by the test laid down in said formulary, and that its own strength was not stated on the label.

Misbranding of the fluidextract of cinchona compound, detannated, was charged under the allegation that the label of the bottles bore the statements, to wit, "One Pint represents: Red Cinchona Bark, 8 troy ounces; * * * The red bark used in this preparation contains not less than 5 per cent of total alkaloids"; and that the said statements were false and misleading.

Misbranding of the fluidextract of cinchona, detannated, was charged (a) under the allegations that the labels of the bottles bore the statements, to wit, "Dose—10 to 60 m. * * * Action and Uses * * * febrifuge and antiperiodic * * *", that the said statements were representations regarding the curative or therapeutic effects of the article, and that the said statements were false and fraudulent; (b) that the labels of the bottles bore the statement, to wit, "Standard Of Strength—Each C. C. represents one gram of bark containing four per cent ether, soluble alkaloids", and that the said statement was false and misleading.

Misbranding of the fluidextract of conium fruit was charged under the allegation that the label bore the statement, to wit, "Fluid Extract Conium Fruit, N. F."; that the National Formulary did not recognize fluidextract of conium fruit; that the said statement was false and misleading; under the allegation that the label bore the statement, to wit, "Standard of Strength—0.35–0.45% of coniine weighed as hydrochloride"; and that the said statement was false and misleading.

Misbranding of the fluidextract of ipecac was charged under the allegation that the label bore the statement, to wit, "Standard of Strength—0.35–0.45% Alkaloids"; and that the said statement was false and misleading.

Misbranding of the elixir of aloin, belladonna, and strychnia was charged under the allegation that the label bore the statement, to wit, "Each fluid drachm containing * * * Ext. Belladonna Leaves, ⅛ grain; Strychnia, 1–60 grain * * *"; and that the said statement was false and misleading.

Misbranding of the elixir of calisaya bark, iron, bismuth, and strychnia was charged under the allegation that the label bore the statement, to wit, "Each fluid drachm containing 5 grains of Calisaya Bark, * * *"; and that the said statement was false and misleading.

Misbranding of the elixir of bismuth and hydrastia was charged under the allegation that the label bore the statement, to wit, "Each fluid drachm contains: * * * Hydrastia Alkaloid, $\frac{1}{16}$ grain"; and that the said statement was false and misleading.

Misbranding of the Elixir Anti-Malarial was charged under the allegations that the label bore the statement, to wit, "Each fluid drachm contains: * * * Cinchona Alk., 1 gr."; and that the said statement was false and misleading.

Misbranding of the elixir of calisaya, iron, and strychnine was charged under the allegation that the label bore the statement, to wit, "Each fluid ounce represents: Calisaya Bark, 40 grains * * *"; and that the said statement was false and misleading.

On July 9, 1935, no claimant having appeared in any of the 10 cases, judgment of condemnation, forfeiture, and destruction was entered in each.

W. R. Gregg, *Acting Secretary of Agriculture.*

25105. Adulteration of tincture of goldenseal. U. S. v. One 16-Fluid-Ounce Bottle and Eight 4-Fluid-Ounce Bottles, more or less, of Tincture of Goldenseal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35568. Sample no. 28494-B.)

This article was represented as meeting the requirements of the National Formulary and was found upon examination to have had a potency that differed from that required by the formulary.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of tincture of goldenseal at New Orleans, La., alleging that it had been shipped in interstate commerce, on or about March 27, 28, and 30, 1935, by the Southwestern Drug Corporation, from Houston, Tex., to New Orleans, La., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "From the Laboratory of Houston Drug Company, Houston, Texas."

Adulteration of the article was charged under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary specified that 100 cubic centimeters of tincture of goldenseal should yield not less than 0.36 gram of ether-soluble alkaloids; that the article yielded not more than 0.305 gram thereof per 100 cubic centimeters; that the article differed from the standard of strength as determined by the test laid down in the said formulary, and its own standard was not stated on the label.

On July 26, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25106. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. 20 Packages, et al., of Moone's Emerald Oil. Default decrees of condemnation and destruction. (F. & D. nos. 35604, 35754, 35757. Sample nos. 24553–B, 24554–B, 38380–B, 38398–B, 38399–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and germicidal claims for the product.

On June 4, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Moone's Emerald Oil at Wilkes-Barre, Pa. On July 11, 1935, libels were filed against 16 packages of the product at Easton, Pa., and 61 packages at Trenton, N. J. The libels alleged that the article had been shipped in interstate commerce on or about March 25, April 15, and April 19, 1935, by the International Laboratories, Inc., from Rochester, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample taken from one of the shipments showed that it consisted essentially of volatile oils including camphor oil with small proportions of methyl salicylate, phenol, and mineral oil, colored green. Bacteriological examination showed that it was incapable of killing a culture of *Staphylococcus aureus* within 1½ hours at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide."

Misbranding was alleged for the reason that the statement "Germicide", appearing on the carton, was false and misleading. Misbranding was alleged with respect to a portion of the article for the further reason that certain statements regarding its curative and therapeutic effects, contained in the circular shipped with the article, falsely and fraudulently represented that it was effective in the treatment of toe itch, acne, pimples, soft corns and bunions, varicose veins, varicose ulcers, dandruff, scaly irritation of the scalp; and effective as a surgical assistant in serious conditions; effective as a deodorant and comforting analgesic in stubborn irritated conditions attended by profuse suppuration; effective to promote healthful healing and eradicate odor in cases of objectionable discharges and to reduce other objectionable symptoms; effective to promote formation of new healthy skin; and effective in the treatment of chronic and incurable diseases. Misbranding was alleged with respect to the remainder of the article for the further reason that certain statements in the circular falsely and fraudulently represented that it was effective in the treatment of lameness and stiff joints, muscle, joint, and nerve conditions, toe itch, varicose or swollen veins; effective to aid nature to retract the distended tissues of the vein walls; and effective in the treatment of ulcered conditions and to give new strength to the vein walls.

On June 28, July 27, and August 20, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25107. Misbranding of Red Fire Ointment. U. S. v. 66 Boxes of Red Fire Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35610. Sample no. 35657–B.)

Examination of the drug product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 25, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 boxes of the said Red Fire Ointment at Denver, Colo., consigned by the Harwell Co., alleging that the article had been shipped in interstate commerce on or about December 29, 1934, from Chicago, Ill., to Denver,

Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid (14.26 percent) and volatile oils including menthol and methyl salicylate, incorporated in a fatty vehicle.

It was alleged in the libel that the article was misbranded in that the following statement on the label thereof regarding its curative or therapeutic effects was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Recommended for * * * Rheumatism, Lumbago * * * Arthritis, Neuritis * * * Aching Feet."

On August 6, 1935, no claimant having appeared, judgment was entered by the court ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25108. Misbranding of Egge an Egg Maker, Fluspray, and Sanite. U. S. v. 56 Cases of Egge an Egg Maker, and Other Drug Articles. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 35634, 35635, 35636. Sample nos. 32316–B, 32317–B, 32318–B.)

Unwarranted curative or therapeutic claims were borne on the cartons, in leaflets enclosed in them, and on the bottle labels of these drugs. On the carton of Egge an Egg Maker and in a leaflet shipped with it appeared a design of a chicken on a basket of eggs.

On June 13, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of Egge an Egg Maker, Fluspray, and Sanite at Des Moines, Iowa, alleging that the articles had been shipped by the Concentrated Products, Inc., from Quincy, Ill., to Des Moines, Iowa, on or about June 3, 1934, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Carton) "Egge an Egg Maker"; (carton) "Fluspray"; (bottles) "Sanite."

Analyses showed that the Egge an Egg Maker consisted essentially of sulphur, calcium and magnesium carbonates and sulphates, and small proportions of other inorganic material; that the Fluspray consisted essentially of formaldehyde, glycerin, and methyl salicylate colored blue; and that the Sanite consisted essentially of furfural.

The Egge an Egg Maker was alleged to be misbranded in that the carton in which it had been shipped and a leaflet enclosed in the carton bore and contained statements and a design of a chicken on a basket of eggs that falsely and fraudulently represented that the article was effective to stimulate and increase egg production from poultry; that it possessed curative or therapeutic efficacy with respect to leg weakness and indigestion, cholera, gaps and roup in poultry; and that it was a general conditioner and regulator of the health of poultry, ducks, geese, turkeys, and pigeons.

The Fluspray was alleged to be misbranded in that the bottle labels, the carton in which it had been shipped, and a leaflet enclosed in the carton, bore and contained false and fraudulent statements that the article possessed curative or therapeutic efficacy with respect to the following disabilities and diseases of poultry: Bronchitis, gapes, coughs, colds, pneumonia, diphtheria, intestinal flu, other infectious ailments of throat, head, and respiratory organs, and sneezing.

The Sanite was alleged to be misbranded in that the bottle labels falsely and fraudulently represented that the article was curative or therapeutic when used in the treatment of dry eczema and aching feet in poultry.

On August 10, 1935, no claimant having appeared, a judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25109. Misbranding of Servex Antiseptic Jelly. U. S. v. 23 Sets and 3 Tubes of Refills of Servex Antiseptic Jelly. Default decree of destruction. (F. & D. no. 35667. Sample no. 26287–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling also contained representations that the article was antiseptic. Bactericidal tests conducted by this Department, however, failed to show that it had antiseptic properties.

On June 24, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a

libel praying seizure and condemnation of 23 sets and 3 refills of Servex Antiseptic Jelly, alleging that the article had been shipped in interstate commerce on or about October 18, 1934, by the Servex Laboratories, Ltd., from Hollywood, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The sets consisted of an applicator and a tube of jelly, and the refills consisted of a tube of the jelly.

Analysis of a sample of the jelly showed that it consisted essentially of water, a gum, glycerin, lactic acid, and a zinc salt together with a small quantity of a saponifiable oil and a phenol.

The libel charged that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements (tube) "Antiseptic Jelly" and (circular) "Servex offers a * * * tested antiseptic jelly", and "bactericidal action" were false and misleading. Misbranding was alleged for the further reason that the following statements contained in the circular shipped with the article regarding its curative and therapeutic effects were false and fraudulent: "Doctors Tell Us—that seventy-five per cent, three out of every four, women suffer from various degrees of pelvic congestion. This congestion causes a feeling of weight and discomfort. It drains vitality and brings discord to the nervous system. Neglected, it insidiously wears down resistance and prepares the way for serious disorders.—that this condition is frequently associated with erosion of the cervix, the mouth of the womb. This causes a disturbing discharge—leucorrhoea. * * * that leucorrhoea is also commonly due to an infection in the vagina by the trichomonas vaginalis, which causes a profuse discharge often associated with burning and itching. Servex, because of its hygroscopic and bactericidal action, aids nature to correct these conditions. It stimulates the natural secretions, which help to normalize the tissue. For years, physicians have treated such conditions over prolonged periods of time by the use of * * * various local applications. * * * Physicians recommend the use of Jelly when the secretions are scanty."

On October 5, 1935, no claimant having appeared, judgment was entered finding the products misbranded in that the above-quoted statements from the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, and it was ordered by the court that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25110. Misbranding of Savoy Beef, Wine and Iron. U. S. v. 30 Quart Bottles and 27 Pint Bottles of Savoy Beef, Wine and Iron. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35695. Sample nos. 26085–B, 35653–B, 35654–B.)

Examination of the drug product involved in this action showed that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed for it on its label.

On July 3, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles and 27 bottles of the said Savoy Beef, Wine and Iron at Denver, Colo., consigned by Savoy Drug & Chemical Co., Chicago, Ill., alleging that the article had been shipped on or about November 13, 1934, and January 17, February 20, April 19, and May 3, 1935, from Chicago, Ill., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article showed that it consisted essentially of a nitrogenous material such as beef extract, a small proportion of iron, alcohol (19.8 percent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Tonic * * * This Preparation Possesses in the highest Degree the Valuable Properties of its ingredients so combined as to form a pleasant remedy for Debility, Exhaustion, Impoverishment of the Blood and will prove a Valuable Restorative for all Convalescents * * * Taken Regularly will * * * Tone up the System Generally."

On September 4, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25111. Adulteration and misbranding of nitrous oxide. U. S. v. 6 Cylinders of Nitrous Oxide. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35703. Sample no. 35180–B.)

This action involved an article that had been sold under the name "nitrous oxide" and differed from the standard of nitrous oxide as stated in the United States Pharmacopoeia, and was shipped in cylinders bearing a statement concerning their contents that was incorrect.

On July 1, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cylinders of alleged nitrous oxide at Cincinnati, Ohio, alleging that the article had been shipped, on or about March 30, 1935, by Wall Chemicals, Inc., Detroit, Mich., from that city to Cincinnati, Ohio., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, "Nitrous Oxide."

Analysis showed that the article differed from the pharmacopoeial standard in that it contained 17.5 percent of gases uncondensed at the temperature of liquid air.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was charged on the ground that the statement on the label, "Nitrous Oxide", was false and misleading.

On September 3, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25112. Misbranding of Dr. Ehrlich's Nerve Tonic and Sedative, Dr. Ehrlich's Tonic and Blood Purifier, and Dr. Ehrlich's Kidney and Bladder Medicine. U. S. v. 33 Bottles of Dr. Ehrlich's Nerve Tonic, and other proprietary medicines. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 35734, 35735, 35736. Sample nos. 23254–B, 23255–B, 23256–B.)

The bottle labels of these three products bore unwarranted statements regarding their curative or therapeutic effects, and the same labels of two of them bore incorrect statements concerning the sources of their ingredients.

On or about July 5, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of the articles of drugs named in the caption hereof at Cedar Rapids, Iowa, alleging that they had been shipped on February 15, 1935, by the K. W. Drug Co., from Cleveland, Ohio, to Cedar Rapids, Iowa, and charging misbranding in violation of the Food and Drugs Act. The several articles were labeled in part: "Dr. Ehrlich's Laboratory Cleveland, Ohio."

Analyses showed that the nerve tonic and sedative consisted essentially of phenobarbital (0.4 gram per 100 milliliters), sodium and ammonium bromides (3.6 grams per 100 milliliters), and water; that the tonic and blood purifier consisted essentially of methenamine, an iron compound, potassium iodide, extracts of plant drugs, sugar, and water; and that the kidney and bladder medicine consisted essentially of methenamine (0.36 gram per 100 milliliters), extracts of laxative plant drugs, a small proportion of an iron compound, and water.

It was charged that Dr. Ehrlich's Nerve Tonic and Sedative was misbranded (a) in that the following statements on its bottle labels were false and fraudulent: "Dr. Ehrlich's Nerve Tonic and Sedative contains no habit forming drugs and may be safely given to old and young. * * * 'Restore and strengthen the entire nervous system, soothe the nerves, and induce healthy, invigorating rest and sleep.' 'Tone the stomach muscles, creating vigorous appetite and proper digestion.' 'Remove that feeling of tiredness and listlessness, and instill new vim and vigor' "; and (b) in that the following statements borne on the bottle labels were false and misleading: "Contains herbs and drugs of the highest purity * * * Dr. Ehrlich's Nerve Tonic and Sedative contains no habit-forming drugs and may be safely given to old and young."

It was charged that Dr. Ehrlich's Tonic and Blood Purifier was misbranded (a) in that the following statements on the bottle labels were false and fraudulent: "A highly specialized preparation containing in addition to tonic and blood purifying herbs and roots, the most effective drugs known to medical

science, as follows: 'It is in a class of its own as a powerful Blood, Nerve and System Tonic and Blood Purifier.' 'It has a distinct action upon the bowels, kidneys and bladder.' 'It relieves Rheumatism, Neuritis and Backaches. It creates Appetite and Aids Digestion' "; and (b) in that the following statements borne on the bottle labels were false and misleading, "A highly specialized preparation containing in addition to tonic and blood purifying herbs and roots, the most effective drugs known to medical science", since the essential physiologically active ingredients of the article were derived from sources other than herbs and roots.

It was charged that Dr. Ehrlich's Kidney and Bladder Medicine was misbranded in that the following statements on the bottle labels were false and fraudulent: "A highly specialized medicinal product, prepared with the utmost care and precision. Contains herbs and drugs of the highest purity, that will 'Purify, increase and regulate the flow of urine.' 'Strengthen the weakened muscles. Help eliminate the body poisons and thereby restore the kidneys and bladder, these two most important organs to their proper functions, and so bring back bodily health.' "

On September 24, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25113. Misbranding of Dr. Hubbel's Formula. U. S. v. 95 Bottles of Dr. Hubbel's Formula. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35741. Sample no. 30146–B.)

Examination of this product showed that the statement on the bottle label of the quantity of choral hydrate and alcohol was incorrect, and that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed on the carton and in a circular within the package.

On July 10, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 bottles of Dr. Hubbel's Formula at Albany, N. Y., alleging that the article had been shipped, on or about April 11, 1934, by Hubbel's Products Corporation, from Boston, Mass., to Albany, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%."

Analysis of a sample thereof showed that the article consisted essentially of alcohol (67 percent), chloral hydrate (13.3 grains per fluid ounce), water, and small proportions of phenols including creosote, sulphuric acid, and volatile oils including menthol and a green coloring material.

It was alleged in the libel that the article was misbranded (a) in that the statement on the bottle label, "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%", was false and misleading; and (b) in that the package failed to bear on its label a statement of the quantity or proportion of alcohol or chloral hydrate contained therein, in that no declaration regarding these ingredients appeared upon the carton, and the statements upon the bottle label, "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%", were incorrect and inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Display carton) "For Loose Teeth For Toothache For Sore and Bleeding Gums * * * keeps your gums healthy"; (circular within carton) "Sore and chafed mouths . . . bleeding gums . . . gingivitis . . . and other infections of the gums and teeth are the inevitable result of the lack of proper care. In cases where an infection has located itself, either as an aggravated condition or simply in the early stages, Dr. Hubbel's Formula corrects the condition by strengthening the unhealthy or sensitive gums and causes a hardening or toughening of the gum tissues. Used as directed, it prevents the formation of spongy tissues and keeps the mouth generally in a more healthy condition. Dr. Hubbel's Formula is used by dentists in treating the most advanced stages of gum disorders and is prescribed by them for home treatment. It may be used freely without the slightest danger of injuring the most sensitive mouth. It's regular application will keep the gums in a normal healthy condition. * * * In some cases the gums peel slightly after the first application. Do not be concerned as this is only the old dead tissue. The second and subsequent applications will be perfectly normal. * * * Be regular in the use of Dr. Hubbel's Formula, as applying only now and then

will not bring you the relief you desire. In event of serious gum disorders we advise regular treatment by your dentist in conjunction with your home treatment. Dr. Hubbel's Formula for relief of Toothache. * * * Dr. Hubbel's Formula * * * will arrest bleeding."

On September 27, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25114. Misbranding of Wag's Salve. U. S. v. 35 Jars of Wag's Salve. Default decree of condemnation and destruction. (F. & D. no. 35743. Sample no. 35260–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 8, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 jars of Wag's Salve at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 11, 1935, by Wag's, Inc., from Knoxville, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of 4.7 percent of volatile oils, including methyl salicylate and menthol, incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "Croup * * * Catarrh, Pneumonia, Tonsilitis, Etc. * * * To produce something that would go direct to administer medicine through the skin * * * Wag's Salve not only penetrates (is absorbed by) the skin, but protects it. This double use guards against fresh colds and new ailments while getting rid of the cold. Croupy Coughs Parents are often frightened by the croupy coughs that frequently come on at night. Quick relief can usually be obtained by rubbing Wag's vigorously on throat and chest with the open hand until the difficult breathing is relieved * * * Night attacks can usually be prevented by rubbing Wag's on the throat and chest at bedtime and covering with warm flannel. Leave the nightdress loose around the neck so that the vapors arising from the application on the chest may be freely inhaled. Colds in the Chest If a cold has been neglected and has gone down in the chest, take a laxative, followed by a hot foot bath. Thorly (sic) redden the skin over the throat and chest with hot, wet towels, then massage with Wag's for five minutes, spread on thickly (about one-sixteenth of an inch thick) and cover with two thicknesses of hot flannel cloths. Leave the bed clothing loose around the neck so the vapors may be freely inhaled. If the air passages are clogged with mucus or phlegm, making the breathing difficult, use some Wag's Salve and inhale vapors until relieved * * * Sore Feet * * * For * * * aching feet, broken skin * * * rub well with Wag's night and morning."

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25115. Adulteration of Epsom Compound Tablets. U. S. v. 99,200 Tablets. Default decree of condemnation and destruction. (F. & D. no. 35744. Sample no. 30399–B.)

This case involved a product sold as "Epsom Compound Tablets." Examination showed that its principal active cathartic agents were phenolphthalein, a synthetic coal-tar drug, and a laxative plant drug such as aloe, the amount of Epsom salt present in each tablet being too small to have any appreciable cathartic effect.

On July 9, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99,200 tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 2, 1935, by the Shores Co., from Cedar Rapids, Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was shipped in drums labeled in part, "Rx #4146 Tablets." Attached to the invoice was a sticker reading in part, "Rx #4146 Tablets * * * Epsom Comp. Tablets."

Analysis showed that the tablets each contained phenolphthalein (0.86 grain), a laxative plant drug such as aloe, magnesium sulphate (Epsom salts, 2.06 grains), and sugar.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely "Epsom Comp. Tablets."

On September 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25116. Misbranding of Nature's Vital Food. U. S. v. 71 Packages of Nature's Vital Food. Default decree of condemnation and destruction. (F. & D. no. 35750. Sample no. 36468–B.)

This case involved a shipment of a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On July 13, 1935, the United States attorney for the District Court of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 packages of Nature's Vital Food at Pawtucket, R. I., alleging that the article had been transported in interstate commerce by Charles J. Roode, from North Stonington, Conn., about the end of October 1934, into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nature's Vital Food * * * (A. S. Maine) A Stanley Maine, Assignor Charles J. Roode, Assignee Sole Proprietor Westerly R. I."

Analysis showed that the article consisted essentially of ground plant material and extracts of plant drugs, including rhubarb, sarsaparilla, podophyllum, mullein, and senna; water; and salicylic acid (0.1 percent).

The article was alleged to be misbranded in that the following statements, appearing on the bottle and carton labels and similar representations appearing in French on the said labels and contained in circulars shipped with the article, were false and fraudulent: (Bottle label, front) "Cancer And Tumor Specialist Nature's Vital Food * * * Purification of the Blood, thereby making possible the cure of thousands of the most virulent cases of cancers and tumors known to man—the worst form of blood impurity known to the medical world"; (bottle label, back) "Nature's Vital Food Or The Foundation to Health * * * Alterative * * * This preparation is the strongest and richest Blood Purifier ever compounded, and is a purely vegetable medicine. As the Blood is the life of man, it should be pure and rich, thereby keeping the stomach and system free from impurities and poisonous matter. This medicine has a specific action on the Blood, and is useful in treatment to prevent Cancers, Tumors, Ulcers, Boils, Scrofula, Syphilis, and all diseases arising from Impure Blood. It is a highly valuable * * * tonic, and is indispensable in Indigestion and Dyspepsia. * * * Directions—As an Alterative, * * * and Tonic"; (retail carton) "Cancer and Tumor Specialist Using Nature's own remedy of Roots, Herbs, Gums and Barks, an internal medicine for all ailments of the human body, the child as well as the aged, removing the cause of your disease thereby rendering a permanent cure. Organic troubles of long standing have to yield to its prompt effect. For Rheumatism it has no equal. To remove indigestion and constipation, to create Natural appetite and build the rundown Exhausted System, the world cannot produce its equal—Why?—Because your blood is your life, and this is the food for your blood, or your life. The price is within reach of every one, the value beyond estimation. * * * Remember your blood is your life. Purify it with Natures Vital Food and enjoy good health * * * This is the best medicine for Rheumatism ever put upon the market. Natures own remedy. To break up a sudden cold, take a tablespoonful of Natures Vital Food on retiring and keep the bowels open. * * * Natures Vital Food Or The Foundation To Health An Alterative * * * Compound."

On September 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25117. Misbranding of Oceanic Vitex. U. S. v. 11 Packages of Oceanic Vitex. Default decree of condemnation and destruction. (F. & D. no. 35761. Sample nos. 37830–B, 37831–B.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On July 17, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 packages of

Oceanic Vitex at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 1, 1935, by the Neu-Life Laboratories, from Sacramento, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of seaweed.

The article was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its effectiveness as a nerve and gland food; its effectiveness to promote normal health and prevent and correct 90 percent of all bodily ailments; its effectiveness in the treatment of headache, neuralgia, neuritis, nervous prostration, low vitality, anemia, indigestion, liver and kidney troubles, irritability, rheumatism, insomnia, low blood pressure, constipation, goitre, asthma, eczema, catarrh, colds, influenza, scrofula, glandular disturbances, colitis and colonic disturbances; and its effectiveness as a restorative of vibrant health and vitality.

On October 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25118. Misbranding of Udga Tablets. U. S. v. 20 Boxes, et al., of Udga Tablets. Default decree of condemnation and destruction. (F. & D. no. 35770. Sample nos. 30363–B, 30538–B.)

This case involved an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 18, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes, 35 bottles, and 100 sample packages of Udga Tablets at Newark, N. J., alleging that the article had been shipped in interstate commerce in part on or about March 25, 1935, and in part on or about May 29, 1935, by Udga, Inc., from St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the tablets each contained approximately 9 grains of sodium bicarbonate, approximately 9 grains of bismuth subnitrate, and approximately 8 grains of magnesium oxide.

The article was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its alleged effectiveness in the treatment of acidosis, chronic gastritis, nausea, indigestion and kindred ailments of the stomach, stomach ulcers and other ills traceable to excess acid, stomach pains, vomiting, acid stomach, acid dyspepsia, gnawing pains, belching, its alleged effectiveness to relieve pain or discomfort immediately, to neutralize superfluous hydrochloric acid, establish proper chemical balance, promote normal digestive function, coat the stomach lining and to afford nature the protection it needs, to reduce inflammation and irritation, and to relieve stomach distress.

On September 7, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25119. Misbranding of Atholin. U. S. v. 66 Bottles of Atholin. Default decree of condemnation and destruction. (F. & D. no. 35787. Sample no. 38375–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 19, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bottles of Atholin at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about May 8, 1935, by the Hilliard Products Co., Inc., from Wilmington, Del., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially, per 100 milliliters, of boric acid (0.68 gram), benzoic acid (0.72 gram), salicylic acid (0.39 gram), aluminum chloride (0.90 gram), alcohol (72.7 percent by volume), water, and perfume.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "For Treatment of Pimples, Acne, Eczema"; (retail carton) "Skin Treatment For Pimples, Acne, Eczema"; (wholesale carton) "Skin Treatment For Pimples, Acne, Eczema."

On September 7, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25120. Misbranding of Kelpamalt. U. S. v. 1,332 Packages of Kelpamalt. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35792. Sample no. 32077–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 26, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,332 packages of Kelpamalt at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 5 and July 11, 1935, by the Allied Laboratories, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of plant material, sugar, malt extract, cocoa, salt, and small proportions of saccharin and compounds of calcium, iron, phosphorus, copper, sulphur, magnesium, and iodine.

The article was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its effectiveness in the treatment of mineral deficiency, constipation, stomach troubles, underweight, gas pains, headache, dizziness, bad breath, lack of appetite, anemia, nervousness, backache, cramps, vomiting, irritability, indigestion, sleeplessness, abnormal flow at menstruation and even menstrual hemorrhages, digestive and intestinal disturbances, constipation, acid stomach, sick stomach and distress after eating, glandular trouble, pains in the side and back, acidity, goitre, gas bloating, shortness of breath, and sick stomach; and its effectiveness, to improve strength, energy, and vitality, help regulate monthly functions and assist in overcoming periodic misery, to remineralize vital female organs and regulate normal, natural easy glandular function, to clear and brighten the eyes, bring color to the cheeks, and increase the weight.

On July 26, 1935, the Allied Laboratories, claimant, having admitted the allegations of the libel and having consented to the entering of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25121. Adulteration and misbranding of Glo-More Shampoo. U. S. v. 69 Bottles and 117 Bottles of Glo-More Shampoo. Default decrees of condemnation and destruction. (F. & D. nos. 35796, 35797. Sample nos. 20499–B, 38013–B.)

These cases involved a product the labeling of which contained unwarranted claims as to its antiseptic and healing properties.

On July 29, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 186 bottles of Glo-More Shampoo at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various shipments from Seattle, Wash., on or about August 30, August 31, and September 4, 1934, by Gilmore-Burke, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of soap, a trace of alcohol, water, and an agent which rendered it antiseptic when diluted with one volume of water but which failed to render it antiseptic when diluted with nine volumes of water.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely: (Label) "Glo-More contains a powerful antiseptic which though most efficient is beneficial to the scalp. It retains its bacteria and spore-killing powers when diluted ten thousand times."

Misbranding was alleged for the reason that the above-quoted statements on the label were false and misleading, and for the further reason that the statement on the label regarding its curative and therapeutic effect, namely, "Healing" was false and fraudulent.

On October 1, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25122. Misbranding of Procaine-Epinephrin Solution. U. S. v. 14 Boxes, and 28 Boxes of Procaine-Epinephrin Solution. Default decree of condemnation and destruction. (F. & D. nos. 35815, 35816. Sample nos. 12169–B, 12170–B.)

Samples of Procaine-Epinephrin Solution labeled "No. 3" averaged 16 percent shortage in volume; samples labeled "No. 2" averaged 11.7 percent shortage in volume.

On July 27, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of Procaine-Epinephrin Solution at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about June 6, 1935, by the Novocol Chemical Manufacturing Co., Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "No 3 [or "No. 2"] Procaine-Epinephrin Solution Novol Anestubes. Each Anestube contains about 2cc."

The article was alleged to be misbranded in that the statements on the labels, "Each Anestube contains about 2 cc. * * * 2cc", were false and misleading.

On November 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25123. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 141 Bottles of Body-Rub Xlent Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 35818. Sample no. 33281–B.)

This case involved a product consisting of approximately 25 percent of isopropyl alcohol and 75 percent water, which was labeled to convey the impression that it contained ordinary (ethyl) alcohol.

On July 29, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 bottles of rubbing alcohol compound at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about April 23, 1935, by Carson Pirie Scott & Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Body-Rub Xlent Rubbing Alcohol Compound Alcohol I. P. No. 70 * * * Distributed by Xlent Laboratories Chicago, Ill."

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Rubbing Alcohol Compound", since it was not composed essentially of ordinary (ethyl) alcohol but consisted of approximately 25 percent of isopropyl alcohol and water.

Misbranding was alleged for the reason that the statements, "Rubbing Alcohol Compound" and "Uses: For sponging and massage", were false and misleading, since they created an impression that the article contained ordinary alcohol. Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On September 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25124. Misbranding of Stoligal. U. S. v. 18 Bottles of Stoligal. Default decree of condemnation and destruction. (F. & D. no. 35821. Sample no. 41529–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On July 30, 1935, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Stoligal at La Crosse, Wis., alleging that the article had been shipped in interstate commerce on or about March 27, 1935, by the Sto-Li-Gal Co., from St. Paul, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

The article consisted of white and pink tablets. Analyses showed that the white tablets contained in each: Sodium bicarbonate (0.46 gram), bismuth subnitrate (0.31 gram), calcium carbonate (0.15 gram), calcium phosphate

(0.14 gram), and magnesium oxide (0.28 gram), flavored with menthol; and that the pink tablets contained calcium carbonates, phenolphthalein, and extractive material including a resin.

The article was alleged to be misbranded in that the labeling contained false and fraudulent representations regardings its effectiveness in the treatment of stomach gas pains and constipation, painful, bloated stomach, heartburn, biliousness, nausea, conditions arising from stomach, liver, and gall bladder, pain and disability arising from stomach, halitosis (bad breath), gas, acid, bloated stomach, belching, dizziness, stomach pains, ulcerated conditions of the stomach, nervousness, high blood pressure, excruicating pain and discomfort in the stomach region, shortness of breath, bringing up of sour fluids, depression, irritability, bad mouth odor, lack of ambition, acidosis, high blood pressure, habitual constipation and long standing ulcerated condition; its effectiveness to aid digestion, correct the cause of stomach pains, prevent food from souring and restoring health and happiness; its effectiveness as a scientific treatment for aggravated cases of stomach disorder and to give almost immediate relief from gas, acid, heartburn, fullness after eating, stomach pains, etc.

On August 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25125. Misbranding of Quan-Da-Sac and Hem-O-Rem. U. S. v. 69 Jars of Quan-Da-Sac and 45 Bottles of Hem-O-Rem. Default decrees of condemnation and destruction. (F. & D. nos. 35824, 35825. Sample nos. 38372–B, 38374–B.)

These cases involved drug preparations the labeling of which contained unwarranted curative and therapeutic claims.

On July 29, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 69 jars of Quan-Da-Sac and 45 bottles of Hem-O-Rem at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about June 6, 1935, by Seebasco Laboratories, Inc., Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Quan-Da-Sac consisted essentially of a volatile oil, such as camphor oil (16 percent), and a small proportion of a phenolic substance incorporated in petrolatum; and that the Hem-O-Rem consisted of extracts of plant drugs, including a resin and a trace of an alkaloid, alcohol (62.7 percent), and water.

The articles were alleged to be misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Quan-Da-Sac, jar label) "Wherever there is Inflammation * * * for Rheumatism, * * * Deep-seated Inflammation, etc."; (carton) "For external use wherever there is inflammation, * * * for rheumatism, * * * deep-seated inflammation, etc."; (circular) "It is an effective external remedy for coughs * * * inflammation, rheumatism * * * many other ailments involving pain and congestion, * * * Quan-Da-Sac has a 40-year success record * * * for sores * * * lameness, lumbago, pleurisy, bronchitis, croup, quinsy, * * * skin affections, neuralgia, etc., etc. * * * [Testimonials] 'Have used it in cases of * * * severe burns . . . results always very beneficial.' * * * 'We use it for boils and sores . . . never fail to get satisfactory results.' * * * 'Best treatment I ever tried for sore throat.' * * * 'Never found anything to equal it for rheumatism'"; (Hem-O-Rem, bottle label) "Hem-O-Rem Hem-O-Rem An Internal Pile Remedy"; (circular) "Hem-O-Rem is an effective internal remedy for hemorrhoids (piles). * * * has been successfuly used for sixty years. * * * relief usually begins after the third or fourth dose has been taken. * * * It is also unusual among internal pile remedies in that it is not necessary to use any external ointment in addition to the internal treatment. * * * Take exactly 4 drops in a tablespoon of water every 2 hours until relieved. * * * [Testimonials] 'I used it for a very aggravated case of hemorrhoids . . . and found relief.' * * * There is a real sense of appreciation for its healing qualities.' * * * 'After the first day the pain disappeared.'"

On October 5, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1936

N. J., F. D. 25126–25150 Issued August 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25126–25150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 2, 1936]

25126. Conspiracy to violate the Food and Drugs Act. U. S. v. Mallory H. Taylor, Jr. (alias Ray Taylor), Curtis J. Hazlerigs, and Walter C. Dunham. Plea of guilty by defendant Dunham. Imprisonment for a year and a day. Jury trial as to other defendants. Verdict of guilty. Imprisonment of each for a year and a day. (Con. 107. Sample no. 36052–A.)

The indictment in this case charged conspiracy to ship in interstate commerce a large quantity of a certain drug, namely, Glauber's salt, the containers of which bore statements as to the place of production thereof and as to the substances therein that were false and misleading.

On October 4, 1934, the grand jurors of the United States for the Middle District of Georgia returned an indictment against Mallory H. Taylor, Jr. (alias Ray Taylor), Curtis J. Hazlerigs, and Walter C. Dunham, charging that in the period from on or about August 1, 1933, to on or about May 1, 1934, the said defendants conspired and agreed together to violate the provision in section 2 of the Federal Food and Drugs Act prohibiting shipment in interstate commerce of any article of drugs which is misbranded within the meaning of the act. It was alleged that in furtherance of the conspiracy and to effect the objects thereof the defendants shipped from Atlanta and Warm Springs, Ga., to several places in other States in the period from January 2 to February 22, 1934, quantities of an article of drugs, namely, Glauber's salt, in packages labeled in part: "Warm Springs Crystal Compound. These superior compound crystals come to you direct from one of America's most famous Health Resorts * * * Distributed by Warm Springs Crystal Co., Warm Springs, Ga. * * * Warm Springs 'The Nation's Health Resort.'"

Analysis by this Department showed the product to be sodium sulphate.

The indictment alleged that the labels of the packages of the product were false and misleading in that they indicated and meant that the product was produced at Warm Springs, Ga., and contained substances taken from the waters of springs at Warm Springs, Ga.; whereas, in truth and in fact, said product was not produced at said Warm Springs, Ga., and did not contain substances taken from the waters of springs at Warm Springs, Ga.

On October 17, 1934, the defendant Dunham entered a plea of guilty and was sentenced to imprisonment for a year and a day. On the same date the defendants Taylor and Hazlerigs entered pleas of not guilty. Their trial to a jury was held on March 6, 7, and 8, 1935. The following charge to the jury was made:

DEAVER, *Judge*: Gentlemen of the jury, this indictment which you will have out with you is what is known as a conspiracy indictment. As drawn, it is against 3 defendants. Only 2 of these defendants are on trial now, one of them having already entered a plea of guilty. But the defendants now on trial have entered pleas of not guilty on this indictment. That places the burden on the Government to make out the case against these defendants by evidence to your satisfaction and sufficient to convince you beyond a reasonable doubt that the defendants are guilty as charged in the indictment.

In the beginning of the trial, the defendants are presumed to be innocent, and that presumption remains throughout the trial unless the Government overcomes it by evidence sufficient to convince you gentlemen that the defendants are guilty. A conspiracy indictment contains two essential parts. The statute itself denounces an agreement between 2 or more persons to commit an offense against the United States, if some overt act to effect the object of it is committed.

In this case, there is in the charging part an allegation or charge that these 3 defendants did conspire or agree together that they would commit an offense against the United States, and the offense which they agreed to commit, according to this indictment, is an offense against the Pure Food and Drugs Act; that is to say, it is alleged that they agreed or conspired together that they would commit an offense, a violation of the Food and Drugs Act, by shipping in interstate commerce misbranded drugs.

Now after the allegation in the charging part that they had such an agreement, you will find in the indictment allegations that they committed several acts, and they are denominated in this indictment as overt acts.

Those 2 things are necessary to a conviction in a conspiracy case, that is to say, first, the agreement followed, secondly, by an overt act to accomplish or effect the object of that agreement.

Now, the agreement, gentlemen of the jury, need not be any formal agreement between the parties. It not only need not be in writing, but it need not be an oral agreement, an agreement expressed in words. The agreement or conspiracy in the sense of this statute simply means that 2 or more persons have a common understanding or common design that by concert of action they will do the thing that is denounced in the indictment; and that agreement may be proved either by direct or circumstantial evidence.

If these defendants had a common understanding among themselves, whether anything was said about it or not, if they each understood that they would in concert of action violate the Food and Drugs Act as set out in this indictment, then that is sufficient so far as the agreement is concerned. If you find from the testimony that such an agreement or conspiracy existed among these defendants, then you would go to the next step and ascertain from the evidence whether any of the overt acts was committed. Several are set out in the indictment. I forget the number, but perhaps a dozen or more. It is not necessary for the Government to prove all the overt acts. If the Government proves any one overt act, that would be sufficient. And it is not necessary for the Government to prove that all of the defendants participated in the commission of an overt act. In other words, if 2 or more parties agree or enter into or have a common understanding that they will commit an offense against the United States, and any one of them does an overt act in pursuance of that agreement and to effect the object of it, then the crime of conspiracy under the statute is complete; and the other defendants, who might have taken no part in the commission of the overt act, would be guilty nevertheless. So that you will determine first under this indictment, from the evidence in the case, whether these defendants had that sort of understanding among themselves, whether they understood among themselves that they would commit an offense against the United States by shipping in interstate commerce this drug misbranded. If they did have that sort of an agreement, then if one of them committed an overt act, that is to say, one of the overt acts set out in this indictment, then they would all be guilty. It is not necessary under this indictment that the thing they might have agreed to do, if you find they did have such an understanding, should ever have been actually accomplished. In other words, the thing denounced by the statute is the criminal agreement to violate the law followed by an overt act, and it is not necessary to show that the crime contemplated or agreed upon was actually committed. Specifically, if the defendants in this case agreed to violate the Food and Drugs Act by shipping misbranded drugs, and after they made that agreement or had that understanding, they committed some overt act, then they would be guilty whether they ever shipped any drugs or not. It would not be necessary for them to have ever shipped any of the drugs. It is the agreement to do it and the overt act following the agreement that completes the offense. So that, as I have stated, you will determine whether there was such an agreement, first, from the evidence. If you find from the evidence that there was no such agreement at all, you need not go any further. Just find a verdict for the defendants. Because the agreement is an essential part of the crime. On the other hand, if you find that there was such an agreement, then the next

thing for you is to determine whether any of these overt acts was committed. If so, then you will determine from the evidence and as a part of your general finding, if you find that they had an agreement to ship under the brands that are set out in this indictment, whether this label was misleading. Now, if you find those 3 things, then they are guilty, and you ought to find them guilty. But if you find there was no agreement, or if you find that there was an agreement but no overt act was committed, or if you find that there was nothing misleading about the brand or label, then you ought to find a verdict in favor of the defendants and and acquit them.

Something has been said in the course of this case, gentlemen of the jury, about seizures at a distance and no opportunity to contest those seizures, but I charge you in this case that would not be a defense. If these defendants have committed this crime that they are alleged to have committed, then they are guilty and you ought to find them guilty; and the fact, if it is a fact, that seizures were made at a distance would not be a defense.

One thing mentioned by counsel on both sides with reference to the propriety of a conspiracy indictment should be called to your attention. I think I ought to say that that is not a matter for the jury. The conspiracy statute is on the books, and whatever constitutes a violation of that statute may be presented to a grand jury and, if an indictment is returned, it is only a question for the trial jury as to whether the evidence makes out a case or not. There might be some discretion in the Department of Justice and maybe in the District Attorney as to whether any specific case will be handled by indictment for conspiracy or indictment for some substantive offense, but I charge you that that is not a matter for the jury to consider at all. I may say also, not because it is of any particular importance in the case, but simply because it has been talked about here, that if the defendant, Taylor, is guilty of conspiracy under the charge I have given you, and if, as contended by defendants' counsel and maybe admitted by Government's counsel, he is not guilty of the substantive offense of actually shipping misbranded drugs, then about the only way you could proceed against him would be under the conspiracy statute. So that the propriety of the proceeding ought not to be considered by you one way or the other. The indictment was returned, the defendants put on trial under it, and evidence has been introduced, and the business of this jury, and the only business of this jury, is to determine whether the facts presented here make out the charges alleged in this indictment.

Now, gentlemen of the jury, in determining the issues here presented, you ought in all other respects, to confine yourselves absolutely to the testimony in this case. You ought not to find a verdict in this case because of any sympathy for the defendants, or you ought not to find a verdict in this case against the defendants because of the reputation of Warm Springs or because the President's name has been dragged into it. You ought not to find a verdict on that basis. You look like a jury of 12 intelligent men, and you will understand what I mean when I say that in the trial of a criminal case, outside considerations have nothing to do with the matter in hand, and that the jury is to make a verdict according to the view the jurors have of what the evidence shows. If the evidence in this case makes out these charges, then you ought to find these defendants guilty regardless of consequences, because that is your duty, and the consequences are not your concern. On the other hand, if the testimony in this case in your honest opinion does not make out a criminal charge such as is alleged in this indictment, or you honestly believe from the testimony that the defendants are not guilty, then you ought to acquit them regardless of consequences. That is the business of this jury. And your only business is to determine what is the truth about it. We are all human, and it is right difficult for any of us to entirely separate ourselves from outside considerations in trying to determine a question of fact; and that is the only reason I mention these matters to the jury at all. The only question you are to determine here is whether these defendants agreed or had an understanding to violate the Food and Drugs Act as alleged in the indictment and as I have already charged you; and, if you believe they did, and the testimony makes out the case as I have previously charged you, then you ought to convict them. On the other hand, if they did not do the thing that is charged here, according to your honest belief from the testimony, then you ought to acquit them. That is the sum and substance of your whole duty.

Now, with reference to the withdrawal of the defendant, Taylor, I may say that, where an agreement is made, between 2 or more parties to violate the

law, and before any overt act is committed one of the parties decides to repent and get out of it and have nothing more to do with it, and does it, then his withdrawal prevents him from remaining as a party to the conspiracy, even if the conspiracy is actually carried into effect; but that must be done before the crime is completed. He cannot withdraw after the crime is completed. It will be for you to say, first, as to Taylor, whether there was an agreement between him and either one or both of these other defendants; and, if so, whether an overt act was committed before he got out. If he had such an agreement or understanding and an overt act was committed before he withdrew, he is guilty of conspiracy under this indictment. If you find on the other hand that there was an agreement to commit an offense against the United States among these defendants or any 2 of them, including Taylor, and that before any overt act was committed to effect the object of the agreement, he withdrew and subsequently had nothing more to do with it, then he would not be guilty, even though he was a party to the agreement originally.

Now, I charge you, gentlemen of the jury, that inasmuch as it has already been stated in your presence that one of the defendants has entered a plea of guilty that you are not to consider that fact in determining the guilt or innocence of the defendants now on trial. You are not to consider that fact except insofar as it may have a bearing on the credibility of Dunham as a witness on the stand. You may take it into consideration in determining the value of Dunham's testimony, but the bare fact that Dunham entered a plea of guilty would not be evidence to convict the defendants on trial of the conspiracy.

Mr. DAVIS. Will your Honor charge the jury that the repayment of these amounts would not be a defense?

THE COURT. Gentlemen of the jury, I admitted evidence of refunds as a part of the history of this entire transaction so that you might get a complete picture of it; but I charge you that, if this crime was committed and if it was complete before any refunds were made, that would not absolve the defendants from criminal liability already incurred. So that, if they did commit this crime, and if it was complete before they made any refunds, then the making of the refunds would not be any defense.

Mr. LINDSEY. Will your Honor charge as to reasonable doubt and burden of proof?

THE COURT. Yes, I can repeat that in a sentence, if you want me to.

Mr. LINDSEY. I want—I would not ask your Honor to repeat anything. If you have covered that it is all right.

THE COURT. All right. Gentlemen of the jury, in making your verdict, you will write it on the back of this indictment. Inasmuch as 3 men are charged and you are only trying 2, it will be necessary for you to insert the names of those 2 in the verdict, so that the record will show which 2 you tried. In other words, in this blank form if you should say, we the jury find the defendants either guilty or not guilty, it would not be clear, inasmuch as 3 are mentioned in the indictment, which defendants you were trying or what you meant by defendants. But if you insert the names of the 2 men here, the record itself will be clear. Of course, you may find one guilty and the other not guilty. In any event, please name the defendants in your verdict.

On March 8, 1935, a verdict of guilty as to Taylor and Hazlerigs was returned, and each was sentenced to imprisonment for 2 years (which was modified on June 10, 1935, by reduction of the term of imprisonment to 1 year and a day.) This judgment was affirmed November 19, 1935, by the Fifth Circuit Court of Appeals (80 F. (2d) 604) in an opinion as follows:

WALKER, *Circuit Judge:* The appellants were convicted under an indictment which charged them and another person with conspiring, continuously during the period beginning on or about the first day of August 1933, and ending on or about the first day of May, 1934, to commit an offense against the United States, that is, to violate Section 2, Title 21, of the United States Code, by shipping, and delivering for shipment, in interstate commerce a large quantity of a certain drug, to wit, Glauber's salt, misbranded in that the labels upon the containers thereof bore the following statements: "Warm Spring's Crystal Compound. These wonderful compound crystals come to you direct from America's most famous Health Resort. * * * Distributed by Warm Springs Crystal Co. Warm Springs, Ga. * * * Warm Springs 'The Nation's Health Resort' * * * Warm Spring's Crystal Compound These superior compound crystals come to you direct from one of America's most famous Health Resorts. * * * Distributed by Warm Springs Crystal Co. Warm Springs, Ga. * * * Warm Springs 'The Nation's Health Resort.'"

The indictment alleged that those statements were false and misleading in that they indicated and meant that the product was produced at Warm Springs, Georgia, whereas, in truth and in fact, said product was not produced at said Warm Springs, Georgia, and did not contain substances taken from the waters of springs at Warm Springs, Georgia.

The appellants moved the court to quash the indictment on the ground that it was returned in the Albany Division of the Middle District of Georgia by a grand jury drawn exclusively from that Division, and charged the commission of an offense in the Columbus Division of that District. The overruling of that motion might be sustained on the ground that the mot on mistakenly alleged that the indictment charged that the offense was committed in the Columbus Division of the District; the fact being that the indictment charged that the criminal acts alleged were committed "at divers places within the jurisdiction of this Court." Furthermore the motion was not sustainable on the above mentioned ground stated therein. *Larramore* v. *United States*, 8 F. (2) 736.

The court overruled appellants' demurrer to the indictment. The demurrer stated several grounds. The only ground urged in the argument of counsel for the appellants was the following: "Said indictment fails to charge an offense, in that the labels which said indictment alleges were intended to be used upon packages when shipped in interstate commerce, or delivered for such shipment as quoted in said indictment, show upon their face that said article was not misbranded, or intended to be misbranded, within the meaning of the Pure Food and Drugs Act of 1906, as amended." The statute prohibits "the introduction into any State * * * from any other State * * * of any article of food or drugs which is * * * misbranded, within the meaning of sections 1 to 15, inclusive, of this title. * * * The term 'misbranded', as used in sections 1 to 15, inclusive, of this title, shall apply to all drugs, * * * the package or label of which shall bear any statement * * * regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular * * *." 21 USCA §§ 2 and 9.

It cannot reasonably be denied that statements contained in the above set out labels were calculated to mislead some persons into believing that packages so labelled contained something other than what they actually contained, namely, Glauber's salt, or that Warm Springs water was used in producing the so-called "Crystal Compound", or that that product contained curative ingredients possessed, or believed to be possessed, by the water of the Georgia Warm Springs. It well might be inferred that the conspicuous use in the labels of the name "Warm Springs, Georgia", in connection with a product which was produced elsewhere and which contained nothing taken or derived from waters of springs at Warm Springs, Georgia, was intended to mislead or deceive, especially in the absence from the labels of anything to indicate what the labelled package actually contained. In comprehensive terms the statute condemns every statement which may mislead or deceive. Deception may result from statements not literally false. Statements which are liable to mislead should be read favorably to the accomplishment of the purposes of the act, one of which is to enable purchasers to buy drugs for what they really are. *United States* v. *95 Barrels of Vinegar*, 265 U. S. 438, 443. The court did not err in overruling the demurrer to the indictment.

The court overruled a challenge by defendants to the entire array of jurors, that challenge being upon the ground that the jury was not put upon the defendants in the order in which the names of jurors were drawn from the jury box. Upon the challenge being made the court stated that the jury list handed to defendants' counsel began at the first name following the last name used in the case completed the day preceding the day on which defendants were put on trial. It appearing that the jurors put upon the defendants were regularly drawn from the jury box, no right of the defendants was violated by the ruling now in question.

After one Parkins, a witness for the Government, had testified that Taylor, one of the appellants, last visited the witness in April 1933, the witness was asked if he had had any discussion or conversation with Taylor about water crystals. That question was objected to on the ground that the testimony sought to be elicited by it related to matters which occurred before the conspiracy was alleged to have been formed, and before Taylor was shown to have

known the other alleged conspirators. The court overruled that objection and permitted the witness to answer the question. It appears from the testimony of Parkins that in an interview between him and Taylor the latter suggested the substitution of Glauber's salt for ingredients of water crystals manufactured by the witness, because it was cheaper. The testimony sought to be elicited, and elicited, by the question objected to tended to prove Taylor's state of mind, a short time before the conspiracy was alleged to have been entered upon, with reference to using Glauber's salt, because of its cheapness, in a crystal compound. That evidence was admissible against Taylor to prove that fraud charged in the indictment was contemplated by him before the alleged conspiracy was entered into. *Heike* v. *United States*, 227 U. S. 331; *York* v. *United States*, 241 Fed. 656.

Seven assignments of error are based upon the overruling of objections to that number of questions. No one of those objections stated any ground in support of it. The overruling of such an objection is not a ground for reversing a judgment. *Choctaw, Oklahoma, etc. R. R. Co.* v. *McDade*, 191 U. S. 64, 69; *District of Columbia* v. *Woodbury*, 136 U. S. 450, 462.

Assignments of error based on other rulings of the court on objections to evidence so obviously fail to show reversible error that further comment on them is not deemed necessary.

The record does not show that upon the conclusion of the evidence in the trial the appellants or either of them asked the court to direct a verdict in their or his favor, or requested any instruction to the jury as to the finding to be made. It does not appear from the bill of exceptions, or otherwise, that the brief of the evidence, which was referred to and attached to the bill of exceptions, and made a part thereof, contained all, or the substance of all, the evidence adduced in the trial. In the stated condition of the record the question of the sufficiency of the evidence to support the verdict rendered is not presented for review.

The record showing no reversible error, the judgment is *Affirmed.*

On February 10, 1936, the Supreme Court denied a petition for certiorari.

W. R. Gregg, *Acting Secretary of Agriculture.*

25127. Adulteration and misbranding of Risal Liquor Cresolis Comp. U. S. v. Teresa Turk and Solomon Turk (Turk Drug Co.). Plea of nolo contendere. Judgment of guilty. Sentence of 6 months' probation imposed. (F. & D. no. 35936. Sample nos. 10614–B, 18174–B.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority. The labeling of the product also bore unwarranted claims regarding its alleged effectiveness as an antiseptic.

On August 28, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Teresa Turk and Solomon Turk, trading as the Turk Drug Co., Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about June 16 and September 24, 1934, from the State of Pennsylvania into the State of New Jersey, of quantities of Risal Liquor Cresolis Comp. which was adulterated and misbranded.

Analysis showed that the article consisted of a small proportion of a potassium compound, less than 5 percent of a fatty anhydride, approximately 5 percent of tar acids, a small proportion of glycerin, and water. Bacteriological examination showed that it would not be an effective antiseptic nor act as an antiseptic douche for feminine hygiene, nor as an antiseptic wash for athelete's foot.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in that it consisted of a small proportion of a potassium compound, less than 5 percent of a fatty anhydride, approximately 5 percent of tar acids, a small proportion of glycerin, and water; whereas the pharmacopoeia provides that liquor cresolis compound shall consist in part of 500 cubic centimeters of cresol, 350 cubic centimeters of linseed oil, saponified with potassium and sodium hydroxides to make 1,000 cubic centimeters and the standard of the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, "Antiseptic * * * feminine hygiene antiseptic * * * Douche 1 teaspoon to each

quart of warm water Athlete foot 1 teaspoon to each quart of warm water", borne on the label, were false and misleading, since the article was not a feminine hygiene antiseptic, was not an antiseptic douche, and was not an antiseptic for athlete's foot when used as directed.

The information also alleged that the product was further adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1441 published under that act.

On December 2, 1935, the defendants entered pleas of nolo contendere, were adjudged guilty, and were each sentenced to 6 months on probation.

W. R. Gregg, *Acting Secretary of Agriculture.*

25128. Adulteration and misbranding of elixir of pepsin, bismuth, and nux vomica; elixir of lactated pepsin with calisaya and hydrastis; elixir of calisaya, iron, pepsin and strychnine; elixir of pepsin and bismuth; elixir of lactated pepsin with bismuth; elixir of lactated pepsin and calisaya; elixir of lactated pepsin with bismuth and strychnia; and adulteration of glycerite of pepsin. U. S. v. 8 Bottles of Elixir of Pepsin, Bismuth and Nux Vomica (and other cases). Default decrees of condemnation and destruction. (F. & D. nos. 35826 to 35833, incl. Sample nos. 22662–B, 22671–B, 22673–B, 22689–B, 22690–B, 22691–B, 22692–B, 22693–B.)

These products were represented to contain pepsin or pepsin with other drugs. Analyses showed that they contained no pepsin and that most of the products were deficient in other drugs declared on the label.

On August 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 61 bottles of the above-listed drugs at New Orleans, La., alleging that the articles had been shipped in interstate commerce on or about March 27, March 28, and March 30, 1934, by the Southwestern Drug Corporation, from Houston, Tex., and charging adulteration of the glycerite of pepsin and adulteration and misbranding of the remaining products in violation of the Food and Drugs Act.

The articles were labeled in part: "From the Laboratory of Houston Drug Company Houston, Texas."

The glycerite of pepsin was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as prescribed by that authority since it contained no pepsin; whereas the National Formulary specifies that each 1,000 cubic centimeters of glycerite of pepsin shall contain not less than 87.5 grams of pepsin. Adulteration of the remaining products was alleged in that their strength fell below the professed standard or quality under which they were sold in the following respects: Each fluid ounce of the elixir of pepsin, bismuth, and nux vomica was represented to contain 8 grains of pepsin and 8 grains of nux vomica; whereas the article contained no pepsin and each fluid ounce contained not more than 3.65 grains of nux vomica. Each fluid ounce of the elixir of lactated pepsin with calisaya and hydrastis was represented to contain 38 grains of lactated pepsin, 40 grains of calisaya bark, and 32 grains of *Hydrastis canadensis;* whereas the article contained not more than 1.75 grains of alkaloid per fluid ounce, and no pepsin. (The United States Pharmacopoeia specifies that calisaya bark yield not less than 5 percent of alkaloid and that *Hydrastis canadensis* yield not less than 2½ percent of ether-soluble alkaloids. If the article had the composition claimed it would contain in each fluid ounce not less than 2 grains of alkaloid from calisaya bark and not less than 0.8 grain of ether-soluble alkaloid from *Hydrastis canadensis* or a total of not less than 2.8 grains of alkaloid per fluid ounce. Each fluid ounce of the elixir calisaya, iron, pepsin, and strychnine was represented to contain 40 grains of calisaya bark, 16 grains of ferric pyrophosphate, and 40 grains of pepsin saccharated; whereas the article contained no pepsin, and each fluid ounce represented not more than 1.4 grains of calisaya bark, and 4.35 grains of ferric pyrophosphate. Each fluid drachm of elixir of pepsin and bismuth was represented to contain 1 grain of pure pepsin; whereas the article contained no pepsin. Each fluid ounce of elixir of lactated pepsin with bismuth was represented to contain 38 grains of lactated pepsin; whereas the article contained no pepsin. Each fluid ounce of elixir of lactated pepsin and calisaya was represented to contain 40 grains of lactated pepsin and 40 grains of calisaya bark; whereas it contained no pepsin and not more than 31 grains of calisaya bark per fluid ounce. Each fluid ounce of elixir of lactated pepsin with bismuth and strychnie was

represented to contain 40 grains of lactated pepsin and 0.08 grain of strychnine sulphate; whereas it contained no pepsin and not more than 0.10 grain of strychnine sulphate per fluid ounce. Misbranding was alleged with respect to all products, with the exception of the glycerite of pepsin, for the reason that the following statements in the labeling were false and misleading: (Elixir of pepsin, bismuth, and nux vomica) "Each fluid ounce represents: Pure Pepsin, 8 grains; Nux Vomica, 8 grains"; (elixir of lactated pepsin with calisaya and hydrastis) "Each fluid ounce containing: "Lactated Pepsin, 38 grains; Calisaya Bark, 40 grains; and Hydrastis Canadensis 32 grains"; (elixir of calisaya, iron, pepsin, and strychnine) "Each fluid ounce represents: Calisaya Bark, 40 grains; Ferric Pyrophosphate, 16 grains; Pepsin Saccharated, 40 grains"; (elixir of pepsin and bismuth) "Each fluid drachm containing one grain Pure Pepsin"; (elixir of lactated pepsin with bismuth) "Each fluid ounce containing 38 grains Lactated Pepsin"; (elixir of lactated pepsin and calisaya) "Each fluid ounce represents Lactated Pepsin . . . 40 grains Calisaya Bark . . . 40 Grains"; (elixir of lactated pepsin with bismuth and strychnia) "Each fluid ounce containing 40 grains Lactated Pepsin * * * 8-100 grain Strychnine Sulphate."

On September 5, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25129. Misbranding of Laxated H–L–C. U. S. v. 67 Bottles of Laxated H–L–C. Default decree of destruction. (F. & D. no. 35871. Sample no. 32265–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 2, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 bottles of Laxated H-L-C at Joiner, Ark., alleging that the article had been shipped in interstate commerce on or about March 18, 1935, by the Durham Drug Co., from Itta Bena, Miss., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, calcium, iron, magnesium sulphate, sodium benzoate, and plant extractives.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: " * * * Relieving Constipation * * * Stomach Disorders, Kidney and Bladder Trouble, Gas Pains, Bloating, Dizzy Feeling, Biliousness, Disease of the Kidneys, Chronic Inflammation of Kidneys, Chronic Weakness of the Kidneys, Consumption of the Kidneys A Prescription That Does the Work Help Yourself to Health—Guaranteed."

On October 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25130. Misbranding of Sylvester Brand Haarlem Oil. U. S. v. 32 Bottles of Sylvester Brand Haarlem Oil (and other cases). Default decrees of condemnation and destruction. (F. & D. nos. 35872, 36153, 36458. Sample nos. 42458–B, 42984–B, 49558–B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 6, 21, and October 5, 1935, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 173 bottles of Sylvester Brand Haarlem Oil at Newark, N. J., and 102 bottles of the product at Philadelphia, Pa., alleging that the article had been shipped or delivered for shipment in interstate commerce on various dates, namely, on or about March 20, July 13, and July 18, 1935, by M. Coward, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sylvester Brand Imported Genuine Haarlem Oil * * * Waaning-Tilly Bros., Haarlem—Holland."

A sample of the product analyzed by this Department was found to consist essentially of a sulphonted fatty oil (total sulphus, 19.6 percent), and turpentine oil (46 percent)).

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the circular shipped with the article, were false and fraudulent: "This Medicine has been used with such good effect that its results were formerly considered little short of miracles. It enters into the system, affecting various parts, and its virtues make themselves felt long after the medicine itself has been expelled by stool or urine. This Remedy has been recommended as being most excellent in stimulating the stomach and the digestive organs, and in so doing to help to purify the blood. * * * It is often used for scurvy, accompanied by proper regulation of the diet, and for worms. In these, and similar diseases, one should take twenty to twenty-five drops daily * * * Where there is an inclination of the eyelids causing, during the night, the accumulation of pus and humors on the lids, a little of this Remedy should be applied by wetting the tip of the finger (better a flock of cotton) with it and by holding this a few moments in the corner of the eye. In the same way it may be used on ulcers, sores, boils, abscesses, etc., * * * a desirable application to fresh sores and in certain affections in the gums by applying it to the affected part. All disorders of long standing, we cannot doubt, require a long and continued treatment before any benefit either from this or from any other remedy may be looked for, and when such disorders have been cured after such a long time the cure has been esteemed as almost a miracle."

On October 5, and November 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25131. Misbranding of Joyz Maté. U. S. v. 384 Cartons and 98 Tins of Joyz Maté. Default decrees of condemnation and destruction. (F. & D. nos. 35874, 35875. Sample nos. 15564–B, 16177–B, 16204–B.)

These cases involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On August 7, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 384 cartons, each containing 6 tins, and 98 tins of Joyz Maté at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 28, 1934, by the International Maté Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of leaves of yerba maté.

The article was alleged to be misbranded in that the following statements borne on the packages, and similar statements contained in circulars shipped with the packages, were statements regarding the curative and therapeutic effects and were false and fraudulent: "The Vitalizing Drink * * * Joyz maté invigorates and combats fatigue. It is stimulating without harmful reactions. Joyz maté does not injure the nervous system. It may be taken freely at all meals and between meals. Many use it as a pick-me-up when suffering from fatigue. * * * The mystic plant, drawing life from the fertile soil and ideal climatic conditions, is gathered and cured by a protective process which produces this energizing drink. * * * Joyz Maté is unsurpassed as a standby for business men and women, people of action, mental workers and athletes. * * * Be sure to read of the remarkably invigorating qualities * * * For added mental or physical stimulation, add more Joyz leaves to make a stronger beverage. * * * Joyz Maté iced is an invigorating * * * summer drink."

On November 16, 1935, no claim having been entered, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25132. Misbranding of Armstrong's Sore Throat and Quinsy Drops. U. S. v. 666 Bottles of Armstrong's Sore Throat and Quinsy Drops. Default decree of condemnation and destruction. (F. & D. no. 35876. Sample no. 28636–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 6, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 666 bottles of Armstrong's Sore Throat and Quinsy Drops at Pittsburgh, Pa., alleging that

the article had been shipped in interstate commerce on or about May 22, 1935, by Nelson Baker & Co., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, alcohol, acetic acid, and extracts of plant drugs, including red pepper and blood root.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Label) '1'Sore Throat and Quinsy Drops"; (carton) "Quinsy * * * preventing and checking Quinsy. Directions Dose for adults, 6 drops in its purity; children, 1 to 3 drops, increased to 4 or 5 drops, with water to be taken every two hours, or in severe cases every hour for 5 or 6 hours. * * * A Sore Throat Remedy * * * Sore Throat and Quinsy Drops"; (circular) "Sore Throat and Quinsy Drops. Directions * * * to be taken every two hours or more frequently in severe cases. For Quinsy, soon as soreness is felt in the throat, take a good cathartic and use the Drops every hour for six or eight hours; then every two hours. * * * Common Sore Throat, about three or four doses generally gives the necessary relief. A Good Way is, to use these drops as soon as you feel soreness in the throat; by so doing, you may prevent serious throat trouble. * * * In severe cases we advise every hour for five or six hours until relieved."

On September 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25133. Adulteration and misbranding of Femi-gene Antiseptic Tablets. U. S. v. Glenn Morris and Orville Rooney (Morris Products Co.). Pleas of guilty. Fines, $50. (F. & D. no. 35963. Sample no. 28301–B.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On November 6, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Glenn Morris and Orville Rooney, trading as the Morris Products Co., Urbana, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 28, 1935, from the State of Ohio, into the State of Missouri, of a quantity of Femi-gene Antiseptic Tablets that were adulterated and misbranded.

The article was labeled in part: "Femi-gene Antiseptic Tablets, Morris Products Co. * * * Urbana, Ohio."

Analysis showed that the article consisted chiefly of lactose, tartaric acid, sodium bicarbonate, and milk sugar. Bacteriological examination showed that it was not an antiseptic, did not guard against infectious germs, and did not have a powerful effect upon bacteria.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, since it was represented to be an antiseptic tablet and as effective in guarding against infectious germs and as having a powerful effect upon bacteria; whereas it was not an antiseptic tablet, it did not guard against infectious germs, and did not have a powerful effect upon bacteria.

Misbranding was alleged for the reason that the statements, "Antiseptic tablets" and "In spite of their powerful effect upon bacteria, there is no fear of any damage or harm to the delicate tissues", borne on the labels, were false and misleading, since the article was not an antiseptic and did not have a powerful effect upon bacteria. Misbranding was alleged for the further reason that the following statement contained in the circular shipped with the article, "The action provides complete protection, guarding against infectious germs often present in the vagina", was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent.

On November 18, 1935, the defendants entered pleas of guilty and the court imposed fines totaling $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25134. Misbranding of Holford's Inhaler. U. S. v. William J. Fink (The Holford Co.). Plea of nolo contendere. Fine, $40. (F. & D. no. 35969. Sample no. 11887–B.)

This case was based on shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William J. Fink, trading as the Holford Co., Minneapolis, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 15, 1934, from the State of Minnesota into the State of Colorado of a quantity of Holford's Inhaler which was misbranded.

The article was labeled in part: (Bottle) "Holford's Inhaler * * * The Holford Company * * * Minneapolis, Minnesota."

Analysis showed that the article consisted chiefly of plant material, including lavender flowers, mustard seeds, and mustard oil.

The article was alleged to be misbranded in that certain statements, appearing on the bottle label and in a circular shipped with the article, falsely and fraudulently represented that it was effective in the treatment of catarrh, hay fever, asthma, sinus trouble, aches, and pains; effective as a relief from practically every known trouble which affects the head and throat; effective as a treatment for running nose, stuffed-up nasal passage, headaches caused by eyestrain, nervousness, stomach troubles, or similar cause; effective for neuralgic headache, severe headaches caused by inhaling the vapors of gases such as caused by working in a closed garage or over a leaking gas stove, or working around a strong paint; effective for cold in the lungs, sore throat, or constant coughing; and effective in the treatment of tonsillitis, toothache, and neuralgia in the jaws or temples, fainting spells, sluggishness, and lazy feeling in the morning, and effective to arrest pain.

On September 30, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $40.

W. R. Gregg, *Acting Secretary of Agriculture.*

25135. Misbranding of Ben Arid's Desert Remedy. U. S. v. Mountain & Desert Products Co. Plea of nolo contendere. Fine, $25. (F. & D. no. 35971. Sample no. 15450–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On November 6, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mountain & Desert Products Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about March 23, 1935, from the State of Colorado into the State of California, of a quantity of Ben Arid's Desert Remedy which was misbranded.

The article was labeled in part: "Ben Arid's Desert Remedy * * * Mountain & Desert Products Company."

Analysis showed that the article consisted of a dry and cut plant of a species of *Ephedra.*

The article was alleged to be misbranded in that certain statements, designs, and devices appearing in the labeling, regarding its curative or therapeutic effects, falsely and fraudulently represented that it was effective in restoring good health; was most effective for suffering humanity and well worth seriously considering if you are ailing, for producing vim and vigor, as a normalizer because of its action on the digestive organs; was effective in renewing and purifying the blood stream; in clearing the complexion; in helping to build up the entire system; was effective as a treatment, remedy, and cure for indigestion, insomnia, neuritis, low vitality, kidney and bladder troubles, eczema, asthma, high blood pressure, nervousness, rheumatism, underweight or overweight, acidosis, dormant liver, gout; was effective by possessing tremendous curative powers; as a great cure-all; and as a restorative and preservative of health; as possessing healing qualities; and as promoting sound, refreshing sleep; was effective as a treatment, remedy, and cure for neuritis, arthritis, and insomnia; was effective in cases of stomach trouble or acidity; was effective in eliminating the uric acid from the blood; and that as a beverage it was healthful, and was effective in restoring health.

On November 21, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25136. Misbranding of Nu-Vigor Tablets. U. S. v. Charles Hadden Williams (The Pier Co.). Plea of guilty. Fine, $25. (F. & D. no. 35983. Sample no. 16639–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On September 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Hadden Williams, trading as the Pier Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about December 19, 1934, from the State of New York into the State of New Jersey, of a quantity of Nu-Vigor Tablets which were misbranded. The article was labeled in part: (Booklet) "Nu-Vigor Tablets * * * Hadden Williams, Owner of the Pier Company."

Analysis showed that the article consisted of compounds of iron, manganese, and quinine with traces of sulphates and phosphates.

The article was alleged to be misbranded in that certain statements in the labeling, regarding its curative or therapeutic effects, falsely and fraudulently represented that it was effective to renew strength and vigor; was effective as a treatment, remedy, and cure for weakness, debility, nervousness, neurasthenia, impotence, inflamed, irritated, and enlarged prostate gland, and varicocele, due to sexual excesses and self abuse; and effective to restore health and vigor.

On September 16, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25137. Misbranding of Nuran Tablets. U. S. v. LaSalle Laboratories, Inc., and Forest C. Pomeroy. Pleas of guilty. Fines, $400. (F. & D. no. 36002. Sample no. 32022–B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling. The labeling was further objectionable because of representations made therein that the article was safe and would not depress the heart, examination having shown that it contained ingredients which could not be administered with safety and which might depress and affect the heart.

On October 30, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the La Salle Laboratories, Inc., and Forest C. Pomeroy, Detroit, Mich., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 21, 1935, from the State of Michigan into the State of Illinois, of a quantity of Nuran Tablets which were misbranded. The article was labeled in part: "Nuran * * * La Salle Laboratories, Inc., Detroit, Michigan."

Analysis showed that the article contained acetylsalicylic acid (aspirin), acetphenetidin, caffeine, camphor, and starch, colored with a pink dye.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the box label and in a leaflet shipped with the article, falsely and fraudulently represented that it was effective for the relief of pain; effective as a treatment, remedy, and cure for toothache, tonsillitis, sore throat, menstrual pains, rheumatism, influenza, pain, and headaches. Misbranding was alleged for the further reason that the statements, "Tablets Something safer * * * Does not depress the heart", appearing in the leaflet, and the statement, "Tablets * * * Does not affect the heart", borne on the box, were false and misleading in that they represented that the article contained no ingredients which would affect or depress the heart, and that it could be administered with safety; whereas each of said tablets contained 2 grains of acetphenetidin, 3½ grains of acetylsalicylic acid, and caffeine, which could not be administered with safety, and which might depress and affect the heart.

On November 9, 1935, the defendants entered pleas of guilty, and on November 23, 1935, the court imposed fines totaling $400.

W. R. Gregg, *Acting Secretary of Agriculture.*

25138. Misbranding of white pine and tar compound. U. S. v. 200 Bottles of White Pine and Tar Compound. Default decree of condemnation and destruction. (F. & D. no. 36107. Sample no. 36685–B.)

This drug preparation was labeled with unwarranted curative and therapeutic claims, it contained alcohol and chloroform which were not declared on the bottle and which were incorrectly stated on the carton, and it was not a compound of white pine and tar as was indicated by the name under which it was sold.

On August 6, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bottles of white pine and tar compound at Adams, Mass., alleging that the article had been shipped in interstate commerce on or about March 4, 1935, by B. R. Elk & Co., from Garfield, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including wild cherry and ipecac, a trace of tar, chloroform (1.15 minims per fluid ounce), alcohol (12.2 percent), and water, flavored with sassafras oil.

The article was alleged to be misbranded in that the statement, "White Pine & Tar Compound", was false and misleading in view of the actual composition of the article. Misbranding was alleged for the further reason that the statement, "Contains 4 Min. Chloroform Per fl. oz. Alcohol 5%", was false and misleading, since the article contained less chloroform and more alcohol than stated. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of chloroform and alcohol contained therein, since the bottle label carried no declaration and that appearing on the carton was incorrect. Misbranding was alleged for the further reason that the statements, "Coughs * * * Bronchitis, * * *", regarding the curative and therapeutic effects of the article, were false and fraudulent.

On September 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25139. Misbranding of Dr. Sumner's Lung Salve. U. S. v. 26 Jars of Salve. Consent decree of condemnation and destruction. (F. & D. no. 36117. Sample no. 35830–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 28, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 jars of salve at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about January 24, 1935, by Dr. J. B. Sumner & Son., Orem, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr Sumners Lung salve * * * Dr. J. B. Sumner and Son * * * Provo, Utah."

Analysis showed that the article consisted essentially of eucalyptus oil (approximately 10 milliliters per 100 grams), incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements in the labeling regarding its curative and therapeutic effects were false and fraudulent: "Lung Salve * * * For Croup Pneumonia and all Diseases of Throat and Lungs."

On October 21, 1935, the shipper having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed, and that the shipper pay costs of the proceedings.

W. R. Gregg, *Acting Secretary of Agriculture.*

25140. Misbranding of Dalley's Pain Extractor. U. S. v. 404 Packages of Dalley's Pain Extractor. Default decree of condemnation and destruction. (F. & D. no. 36127. Sample no. 42455–B.)

This case involved a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 404 packages of Dalley's Pain Extractor at Newburgh, N. Y., alleging that the article had been

shipped in interstate commerce on or about July 16, 1935, by the Dalley Manufacturing Co., from Bayonne, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a bismuth compound and camphor incorporated in an ointment base.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Metal box) "Pain Extractor"; (wrapper) "Pain extractor * * * A Remedy for * * * Cuts, Piles, Ulcers, Boils, Salt Rheum, Swellings, * * * Etc. Use Dalley's Pain Extractor Wherever Inflammation Exists * * * Pain Extractor"; (circular) "Pain Extractor * * * Being a sovereign remedy for Piles, Rheumatism, Eruptions, * * * and all the innumerable accidental injuries * * *. Its power is the wonderful control it has over Inflammation Inflammation and Pain are as inseparable as fire and heat. Inflammation produces Pain, and Pain produces Inflammation. Wherever there is unnatural Heat, Throbbing, or Redness, whether caused by Fever, * * * Cuts, Sores, Piles, * * * Rheumatism, &c., there is Inflammation. To relieve Pain, and restore Nature, the Inflammation must be subdued. * * * Thousands of persons who have used Dalley's Pain Extractor are convinced that its control over Inflammation is most wonderful, neutralizing the poison, extracting morbid secretions and assisting Nature to resume her course, thus renewing and healing. * * * Pain Extractor Is A Remedy For * * * Piles, Salt Rheum Itch Swellings, Cuts, * * * Erysipelas, * * * Inflammations, * * * Bunions, Rheumatism Sores, * * * Broken Breasts, Sore Nipples, Sore Feet, &c., * * * and all the various Skin Diseases. In fact wherever inflammation exists the Pain Extractor should be applied. * * * where the skin is broken, * * * For Boils, Swellings, Tumors, &c., * * * For Salt Rheum, Scald Head, Ringworm, and all skin diseases, * * * For Sore Eyes, * * * For Piles, * * * For Rheumatism, Weak Back, &c., * * * It Is Not A Repellent. It does not drive in and disperse through the system those humors that appear on the skin, but being as its name indicates a pain and poison extractor, it draws out from the system and diseased parts, the inflammation that is the support of the ailment."

On September 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25141. Misbranding of American Desert Tea. U. S. v. 110 Envelopes of American Desert Tea. Default decree of condemnation and destruction. (F. & D. no. 36128. Sample no. 35269–B.)

This case involved a product, the labeling of which contained unwarranted curative and therapeutic claims.

On August 13, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 envelopes of American Desert Tea at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 15, 1935, by the American Desert Tea Co., from Hollywood, Calif., and charging misbranding in violation of the Foods and Drugs Act as amended.

Analysis showed that the article consisted essentially of a species of *Ephedra.*

The article was alleged to be misbranded in that the following statements on the envelopes regarding its curative or therapeutic effects were false and fraudulent: "* * * with wonderful medical qualities * * * one of Mother Nature's Remedies * * * Recommended for Stomach, Kidney and Bladder Troubles, especially Insomnia. Try it for Rheumatism, Neuritis, Arthritis and Asthma. The Indians and Chinese recommend it highly as a Blood Purifier, eliminating the Uric Acid from the Blood. * * *. Two cups served hot upon retiring promotes a sound and refreshing sleep. * * * In case of stomach trouble or acidity, benefits should be derived the second day."

On September 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25142. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 36249. Sample no. 39788–B.)

This case involved a shipment of ether samples of which were found to contain peroxide, a decomposition product.

On September 3, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of ether at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by Merck & Co., Inc., from Rahway, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia since it contained peroxide; and its own standard was not stated upon the label. Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P.", was false and misleading, since it was not of the United States Pharmacopoeial quality.

On November 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25143. Misbranding of paregoric, Chlorinometer Gas, Universal Pain Expeller, Universal Brand Liniment, and Laxative Cold and Grippe Breakers. U. S. v. 25 Bottles of Paregoric, et al. Default decree of condemnation and destruction. (F. & D. nos. 36359 to 36363, incl. Sample nos. 32611–B, 32616–B, 32617–B, 32619–B, 32620–B, 32621–B.)

These drugs consisted of two lots of paregoric which were short in volume; and one lot each of Chlorinometer Gas, Universal Pain Expeller, Universal Brand Liniment, and Laxative Cold and Grippe Breakers, which were labeled with unwarranted curative and therapeutic claims.

On September 20, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain drugs and drug preparations at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about August 9, 1935, by the Chicago Drug Sales Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Chlorinometer Gas consisted of chlorine dissolved in carbon tetrachloride, that the Universal Pain Expeller consisted essentially of ammonia, a pungent principle such as capsicum, a small proportion of a volatile oil, and water; that the Universal Brand Liniment consisted essentially of an ammonium soap, volatile oils including camphor, alcohol, and water colored green; and the Laxative Cold and Grippe Breakers consisted of tablets containing acetanilid and resinous material. The contents of the 2-ounce bottles of paregoric examined ranged from 1.89 fluid ounces to 1.75 fluid ounces and the contents of the 1-ounce bottles of paregoric ranged from 0.61 fluid ounce to 0.41 fluid ounce.

The paregoric was alleged to be misbranded in that the statements appearing on the labels, "2 Fld. Ozs." or "1 Fld. Oz.", were false and misleading since the quantity of the contents was less than represented. Misbranding was alleged with respect to the remaining products for the reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Chlorinometer Gas, display carton) "For the treatment of whooping cough, influenza, laryngitis, coryza, and other respiratory diseases"; (Universal Pain Expeller, carton) "Universal * * * Pain Expeller * * * A Wonderful Remedy For Rheumatism Neuralgia-Colds Pains—Backache Stiffness and Sprains Gout and Cramps"; (bottle label) "Pain Expeller * * * A valuable and reliable remedy for Rheumatism Sprains, Stiff Joints, Lame Back, Cramps, Neuralgia, Etc. Relieves Pain Rub the Painful spots well with the Red Cross Pain Expeller and cover them with cotton or flannel. Internally, strongly diluted. Adults may take 3 to 5 drops * * *"; (Universal Brand Liniment, bottle) "For Relief of Rheumatism, Pain, Neuralgia, Sciatica, Inflammation, Sprains, * * * Lameness, Backache, Cramps, Stiffness of Muscles and

Joints and Other External Pains Directions * * * freely into * * * parts"; (Laxative Cold and Grippe Breakers, carton) "Grippe Breakers * * * Adult Dose.—Two tablets every hour for three hours, then two tablets every four hours, and one or two at bedtime. Drink plenty of water. A cup of hot ginger tea at bedtime will be found beneficial. One half the above dose for children from 9 to 16 years."; (circular) "Dose—Adults. To relieve a cold or an attack of La Grippe, take two tablets every hour for three or four hours. Then take two tablets every four hours, and one or two tablets on retiring. Continue to take two or three tablets at night for several days, in order to completely rid the system of the cold. In severe cases, it is well to take a hot foot bath and drink a glass of hot lemonade or ginger tea upon retiring. Cover up well so as to get up a good sweat. Dose—Children. From 7 to 12 years old, one tablet every four hours. They are not well adapted for children under 7 years of age."

On November 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25144. Misbranding of Oil de Vita and Vita-Pine Bathol. U. S. v. 29 Small Bottles and 16 Large Bottles of Oil de Vita and 37 Bottles of Vita-Pine Bathol. Default decrees of condemnation and destruction. (F. & D. nos. 36425, 36426. Sample nos. 49543–B, 49544–B.)

These drug preparations were misbranded because of unwarranted curative and therapeutic claims and other misrepresentations in the labeling.

On September 24, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 45 large and small bottles of Oil de Vita and 37 bottles of Vita-Pine Bathol at Washington, N. J., alleging that the articles had been shipped in interstate commerce on or about August 22, 1935, by the Vita Laboratories from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the Oil de Vita showed that it consisted essentially of peppermint oil. Bacteriological examination showed that it would not destroy common pus-producing bacilli within 1½ hours. Analysis of the Vita-Pine Bathol showed that it consisted essentially of soap and water perfumed with pine-needle oil and colored, and that it contained not more than one-third of 1 percent, if any, of olive oil.

Misbranding of the Oil de Vita was alleged for the reason that the following statement appearing on the retail carton was false and misleading, since it would not destroy cold or catarrhal pus bacilli: "Properties: Destroys cold and catarrhal pus bacilli when taken internally." Misbranding of the Vita-Pine Bathol was alleged for the reason that the following statements on the bottle label were false and misleading when applied to a product containing no more than one-third to one per cent, if any, olive oil: "Bathol is a product composed of genuine Olive Oil and Pine Needle Extracts. The olive oil contained in Bathol is excellent for the skin." Misbranding was alleged with respect to both products for the further reason that the following statements on the labels were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Oil de Vita, retail carton) "Properties: Destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops, in a tablespoonful of water, twice daily. External rubbing on affected parts, relieves and conquers rheumatic conditions. * * * Oil de Vita * * * Always Relieving"; (bottle) "Oil de Vita * * * Never Fails"; (Vita-Pine Bathol, bottle) "Vita * * * Bathol should be used at all times * * * especially for nervous, weak and rundown conditions."

On November 20, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25145. Misbranding of Pep Stock Medicine. U. S. v. 105 Packages of Pep Stock Medicine. Default decree of condemnation and destruction. (F. & D. no. 36437. Sample no. 48453–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On October 1, 1935, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 105 packages of Pep Stock Medicine at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about July 5, 1935, by the Pep Stock Medicine Co., Inc., from Stratham, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of sulphur (14.8 percent), Epsom salt, baking soda, charcoal, an iron compound, gentian, nux vomica, fenugreek, and yellow root (Xanthorrhiza).

The article was labeled in part: "Pep Stock Medicine is the only known poultry remedy that will Worm a chicken without individual dosing. * * * Positively preventative of chicken diseases, destroys craw germs and keeps them fit and producing. * * * Pep is a * * * wormer, * * * blood purifier, liver cleanser, and extensively used in extremely sick cases, giving quick relief to puny stock or poultry. * * * Dairy Cows * * * If cow is expected to bring calf, begin dosing three times a week Two Months before calf expected. Wait week after calf birth and give two doses a week for two or three weeks. This replaces the vitality lost to the calf which is so Urgently Needed at this particular time. Do this and you will Never lose a cow at calf birth. For Chills and Congestion * * * according to the severity of the case. For Pneumonia * * *. For Thumps or Hiccoughs * * * according to the severity of the case * * * until relieved. For Founder and Laminitis * * * For Pneumonia and Distemper in Dogs * * * For Garget in Cows * * * For Milk Fever in Cows * * * As a Between Heat Reviver"; (carton) "Specific Remedy * * * For Colic, Colds, Distemper, Pneumonia, Coughs, Laminitis, Founder in horses, Milk Fever and Garget in Cows A great between heat reviver." Misbranding was alleged for the further reason that the statement on the bottle label, "Guaranteed under the Pure Food and Drugs Act, June 30, 1906", was misleading since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On November 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25146. Misbranding of Wood's Famous Specific Remedy. U. S. v. 18 Bottles of Wood's Famous Specific Remedy. Default decree of condemnation and destruction. (F. & D. no. 36472. Sample no. 42499–B.)

This case involved a drug preparation which was represented to conform to the requirements of the Federal Food and Drugs Act, but which was misbranded because of unwarranted curative and therapeutic claims in the labeling and because of failure to declare the alcohol content.

On October 15, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Wood's Famous Specific Remedy at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1935, by Chas. R. Wood & Sons, from Lowell, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of alcohol (33 percent), water, ammonia, and extracts of plant materials including atropine and strychnine.

The article was alleged to be misbranded in that the following statements in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Specific Remedy * * * For Colic, Coughs, Colds, Distemper, Pneumonia, Founder, Laminitis in horses. Milk Fever & Garget in cows. * * * For Coughs * * * Brood Sows—Follow same directions as with Dairy Cows, except reduce dosage to one Teaspoonful at a dose per head. Wormy Pigs—After weaning, give one teaspoonful a day six consecutive days. Wait a week and if necessary, repeat. (Dose in slop.) Fattening Hogs—Dose one month before slaughter to eliminate worms, liver boils and to correct all stomach disorders. One Teaspoonful once a day for six days in slop at night feed. See how quickly they fatten by using Pep. Hog Cholera—We do not claim to cure it, but Pep will prevent it to a large extent. Leading Veterinarians use it as a tonic, wormer, and conditioner for Cholera Vaccination."

Analysis showed that it consisted essentially of plant material including fenugreek, and inorganic material including sulphur and compounds of iron, aluminum, calcium, carbon, sulphur, and phosphorus.

The article was alleged to be misbranded in that the statements appearing upon the packages regarding its curative and therapeutic effects were false and fraudulent.

On October 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25147. Adulteration and misbranding of Compressed Tablets No. 117 Phenacetin; Syrup No. 17 Hypophosphites Compound; Elixir No. 83 Iron, naccetin; Syrup No. 17 Hypophosphites Compound; Elixir No. 83 Iron, Acetate; Elixir No. 54 Terpin Hydrate and Codeine; Fluid Extract No. 229 Stramonium; and Ointment No. 5 Calomel. U. S. v. C. E. Jamieson & Co., a corporation. Plea of guilty. Fine, $700. (F. & D. no. 31496. Sample nos. 5794–A, 15554–A, 15564–A, 15566–A, 15581–A, 15593–A, 15596–A.)

All these articles differed from the National Formulary standard and all fell below the professed standard. The labels of all bore incorrect statements. The label of one was without a statement that an ingredient, codeine, was a derivative of morphine.

On January 15, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. E. Jamieson & Co., a corporation, Detroit, Mich., alleging shipment by it in violation of the Food and Drugs Act as amended, on or about March 25 and July 26, 1932, from Detroit, Mich., to Cleveland, Ohio, of quantities of Compressed Tablets No. 117 Phenacetin; Syrup No. 17 Hypophosphites Compound; Elixir No. 83 Iron, Quinine & Strychnine; Elixir No. 12 Buchu, Juniper and Potassium Acetate; Elixir No. 54 Terpin Hydrate and Codeine; Fluid Extract No. 229 Stramonium; and Ointment No. 5 Calomel. The articles were labeled in part: (Bottle) "Compressed Tablets No. 117 Phenacetin 5 Grains"; (bottle) "Syrup No. 17 Hypophosphites Compound (Clear) Each fluidounce contains—Calcium Hypophosphite 1 gr. Sodium Hypophosphite ½ gr., Potassium Hypophosphite 1 gr. Ferrous Hypophosphite 1 gr., manganese Hypophosphite 1 gr., Quinine Hypophosphite $\frac{7}{8}$ gr., Strychnine Hypophosphite ⅛ gr. Dose: 1 fluidrachm (4cc.)"; (bottle) "Elixir No. 83 Iron, Quinine & Strychnine N.F. (Strength) Alcohol, 10%. Each fluidounce contains: Tr. Citro-Chloride of Iron, 60 mins: Quinine Hydrochloride, 4 grs.; Strych, Sulphate, 8/100 gr.; Glycerin, q. s. * * * *"; (bottle) "1 Pint Elixir No. 12 Buchu, Juniper and Potassium Acetate Alcohol 20% Each fluid ounce represents—Buchu 45 gra. Juniper Berries, 12 grains; Potassium Acetate, 16 grains"; (bottle) "1 Pint Elixir No. 54 Terpin Hydrate and Codeine, N. F. Alcohol 40%. Glycerine 20%. Each fluidounce represents—Terpin Hydrate, 8 grains, Codeine Sulphate 1 grain"; (bottle) "16 Fluidounces Fluid Extract No. 229 Stramonium N. F. Datura Stramonium, Lin. Alcohol 50%"; (jar) "1 Pound Ointment No. 5 Calomel Contains 5% Calomel in a hardened petrolatum base."

Adulteration of the Compressed Tablets No. 117 was charged under the allegations that each tablet was represented to contain 5 grains of phenacetin; that each tablet contained not more than 4.55 grains thereof; and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of the Syrup No. 17 Hypophosphites Compound was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that syrup hypophosphites compound should contain not less than 1.106 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters; that the article contained not more than 0.75 gram thereof per said unit; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary; and that the standard of the strength, quality, and purity of the article was not declared on the container thereof; (b) under the allegations that each fluid ounce of the article was represented to contain seven-sixteenths of a grain of quinine hypophosphite and one-eighth of a grain of strychnine hypophosphite; that each said unit thereof contained less than seven-sixteenths of a grain and less than one-eighth of a grain of those ingredients, respectively; and that the article fell below the professed standard and quality under which it was sold.

Adulteration of the Elixir No. 83 Iron, Quinine and Strychnine was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that elixir of iron, quinine, and strychnine should contain not less than 20.4 percent of alcohol; that the article contained not more than 14.7 percent of alcohol; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary; and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) under the allegations that the article was represented to be elixir of iron, quinine, and strychnine which conformed to the standard laid down in the National Formulary; that it was represented that the article contained 10 percent of alcohol; that the article contained 14.7 percent of alcohol; that the article was not such elixir; and that the article fell below the professed standard and quality under which it was sold.

Adulteration of the Elixir No. 12 Buchu, Juniper and Potassium Acetate was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that elixir of buchu, juniper, and potassium acetate should contain not less than 50 grams of potassium acetate per 1,000 cubic centimeters and not less than 35.5 percent of alcohol by volume; that the article contained not more than 9.9 grams of potassium acetate per said unit and not more than 19.8 percent of alcohol by volume; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary; and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) under the allegations that each fluid ounce of the article was represented to contain 16 grains of potassium acetate; that each such unit thereof contained not more than 4.5 grains of that ingredient; that the article fell below the professed standard and quality under which it was sold; (c) under the allegation that the article contained alcohol and that its label failed to bear a statement of the quantity or proportion thereof in the article.

Adulteration of the Elixir No. 54 Terpin Hydrate and Codeine was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that elixir of terpin hydrate and codeine should contain not less than 2 grams of codeine per 1,000 cubic centimeters; that the article contained less than 2 grams thereof per said unit; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary; and that the standard of the strength, quality, and purity of the article was not declared on the container thereof; (b) under the allegations that the article was represented to be elixir of terpin hydrate and codeine which conformed to the standard laid down in the National Formulary; that it was represented that each fluid ounce of the article represented 1 gram of codeine sulphate; that the article contained not more than 0.77 grain of codeine sulphate per fluid ounce; that the article was not such elixir; that the article fell below the professed standard and quality under which it was sold.

Adulteration of the Fluid Extract No. 229 Stramonium was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that fluidextract of stramonium should contain not more than 0.28 gram of the alkaloids of stramonium per 100 cubic centimeters; that the article contained more than 0.28 gram thereof per said unit; that the article differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary; and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) under the allegations that the article was represented to be fluid extract of stramonium which conformed to the standard laid down in the National Formulary; that it was represented that the article contained not more than 0.28 gram of the alkaloids of stramonium per 100 cubic centimeters; that the article contained more than that per centum thereof per said unit; that the article was not fluidextract of stramonium; that the article fell below the professed standard and quality under which it was sold.

Adulteration of the Ointment No. 5 Calomel was charged (a) under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary provided that calomel ointment should contain in 100 grams 30 grams of mild mercurous chloride; that the article contained in 100 grams 6.12 grams thereof; that the article differed from the standard of strength, quality, and purity as determined by the test laid down

in said formulary; and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) that the article was represented to contain 5 percent of calomel; that the article contained not less than 6.12 percent of calomel; that the article fell below the professed standard and quality under which it was sold.

The Compressed Tablets No. 117 Phenacetin were alleged to be misbranded in that the statement on the label, to wit, "Tablets * * * phenacetin 5 grains", was false and misleading in that the article contained less than 5 grains of phenacetin.

The Syrup No. 17 Hypophosphites Compound was alleged to be misbranded in that the statement on the label, to wit, "Each fluidounce contains * * * quinine hypophosphite $\frac{1}{16}$ gr.; strychnine hypophosphite $\frac{1}{8}$ gr.", was false and misleading in that the article contained a less amount of each substance.

The Elixir No. 83 Iron, Quinine & Strychnine was alleged to be misbranded in that the statement on the label, to wit, "Elixir * * * Iron, Quinine and Strychnine N. F. (Strength) * * * Alcohol 10%", was a profession that the article was of National Formulary standard and that it contained 10 percent of alcohol, and was a false and misleading profession in that the article was not of such standard and contained more than 10 percent of alcohol; (b) in that the label on the article failed to bear a statement of the quantity or proportion of its alcoholic content.

The Elixir No. 12 Buchu, Juniper and Potassium Acetate was alleged to be misbranded in that the statement on the label, to wit, "Each fluid ounce represents * * * Potassium Acetate 16 grains", was false and misleading in that each fluid ounce contained less than 16 grains of potassium acetate.

The Elixir No. 54 Terpin Hydrate and Codeine was alleged to be misbranded in that the statement on the label, to wit, "Elixir * * * Terpin Hydrate and Codeine, N. F. * * * Each fluidounce represents * * * Codeine Sulphate 1 grain", was a profession that the article was of National Formulary standard, and was false and misleading in that the article was not of such standard and in that each fluid ounce thereof represented less than 1 grain of codeine sulphate; (b) in that the label on the article failed to bear a statement that an ingredient of the article, to wit, codeine, was a derivative of morphine.

The Fluid Extract No. 229 Stramonium was alleged to be misbranded in that the statements on the labels, to wit, "Fluid Extract Stramonium N. F. * * * Alcohol 50%" and "Standard: 0.22 to 0.28% alkaloids", were professions that the article was of National Formulary standard, and were false and misleading professions in that the article was not of such standard and that it contained more than 50 percent of alcohol and more than 0.28 percent of alkaloids of stramonium per 100 cubic centimeters; (b) in that the label on the article failed to bear a statement of the quantity or proportion of its alcoholic content.

The Ointment No. 5 Calomel was alleged to be misbranded in that the statement borne on the jar containing the article, to wit, "5% Calomel", was false and misleading in that the article contained more than 5 percent of calomel; (b) and in that the article was not of National Formulary strength, which fact was not stated on the label and the label did not bear a clear and exact statement of the nature and extent of such deviation.

On November 4, 1935, a plea of guilty was entered and a fine of $700 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25148. Misbranding of Precision Pills For Kidney and Bladder Ailments and Precision Rheumatic Relief Tablets. U. S. v. Laboratories, Inc. and Dewey W. Miles. Pleas of guilty. Fine, $25 as to each defendant. (F. & D. no. 36044. Sample nos. 27877–B, 27878–B.)

Unwarranted curative and therapeutic claims were made for these articles.

On November 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Laboratories, Inc., and Dewey W. Miles, its president, Joplin, Mo., alleging shipment by them in violation of the Food and Drugs Act as amended, on or about January 17, 1935, from Joplin, Mo., to West Memphis, Ark., of quantities of Precision Pills For Kidney and Bladder Ailments and Precision Rheumatic Relief Tablets which were misbranded. Each article was labeled in part: (Bottle) "Laboratories, Incorporated, Joplin, Missouri."

Analyses showed that the pills for kidney and bladder ailments contained magnesium carbonate, potassium nitrate, and plant material including uva ursi and buchu, coated with sugar and calcium carbonate; that the rheumatic relief tablets contained acetylsalicylic acid (5 grains per tablet) and plant material including colchicum.

The Precision Pills For Kidney and Bladder Ailments were alleged to be misbranded in that the label on the bottle and a circular enclosed in the package bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for kidney and bladder ailments; and effective to bring relief from most ailments of the kidney and bladder caused by accumulated waste matter.

The Precision Rheumatic Relief Tablets were alleged to be misbranded in that the label on the bottle bore false and fraudulent statements that the article was effective, among other things, as a rheumatic relief; effective as a treatment, remedy, and cure for rheumatism, rheumatic pains, and rheumatic conditions; and effective as a treatment, remedy, and cure for rheumatism and rheumatic pains caused by bad teeth, infected tonsils, wrong eating, and various deep-seated constitutional diseases.

On January 20, 1936, each of the defendants entered a plea of guilty and a fine of $25 was imposed upon each.

W. R. Gregg, *Acting Secretary of Agriculture.*

25149. Adulteration and misbranding of Prescription Brand Straight Bourbon Whiskey. U. S. v. 648 Cases of Prescription Brand Straight Bourbon Whiskey. Trial by the court. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 36463. Sample nos. 32646–B, 32816–B.)

This article differed from the pharmacopoeial standard and its label bore incorrect statements concerning its quality.

On October 8, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 648 cases of Prescription Brand Straight Bourbon Whiskey at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about August 23 and October 4, 1935, by Fort Clark Distilleries, Inc., Peoria, Ill., from that place to Des Moines, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Prescription Brand Straight Bourbon Whiskey 'Chemically Assayed' * * * is standardized straight bourbon whiskey, prepared for nurses, hospitals, and physicians;" (booklet) "U. S. Food and Drugs Acts have been complied with in the manufacture of this Prescription Whiskey. * * * Prescription Whiskey is superior to U. S. P. requirements in purity."

Analysis showed that the article contained esters in 50 cubic centimeters equivalent to 1 cubic centimeter of tenth-normal sodium hydroxide; and the United States Pharmacopoeia specifies that whisky contain in 50 cubic centimeters esters equivalent to not less than 1.7 cubic centimeters of tenth-normal sodium hydroxide.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, whisky, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

The article was alleged to be misbranded in that statements appearing upon the label and in a circular were false and misleading in that they created the impression that the article was of the quality suitable for dispensing upon prescriptions for whisky. The Fort Clark Distilleries, Inc., the consignor, and the Iowa Liquor Control Commission, the consignee, jointly appeared and answered. Trial was by the court.

On December 10, 1935, a decree was entered adjudging condemnation and forfeiture, but providing that upon payment of costs and the furnishing by the Iowa Liquor Control Commission of a bond in the sum of $1,000, the whisky might be relabeled so that it might be sold without violating any law of the United States or of any State. No appeal.

W. R. Gregg, *Acting Secretary of Agriculture.*

25150. Misbranding of Tru Tablets of Asperin. U. S. v. 46 Dozen Bottles of True Tablets of Asperin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36688. Sample no. 51943-B.)

Unwarranted curative and therapeutic claims were made for this article.

On December 3, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 dozen bottles of Tru Tablets of Asperin at Erie, Pa., alleging that the article had been shipped in interstate commerce in or about November 1930, by the Blackstone Manufacturing Co., from Newark, N. J., to Erie, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "For Your Health's Sake for * * * Acute Rheumatism * * * or Other Pains of Nervous Origin."

Analysis showed that the article contained 4.97 grains of aspirin.

The article was alleged to be misbranded in that the following statements appearing upon and within the package were statements regarding the curative or therapeutic effect of the article and were false and fraudulent: (Display carton) "For Your Health's Sake * * * For * * * Acute Rheumatism * * * Or Other Pains of Nervous Origin. Also For the Relief of Gout, Sciatica, Tonsilitis, Influenza"; (box) "For * * * Acute Rheumatism * * * Or Other Pains of Nervous Origin. Also for the Relief of Gout, Sciatica, Tonsilitis, Influenza"; (circular) "Rheumatism, Lumbago, Sore Joints and Muscles * * * Acute Pains from Sciatica Toothache."

On January 7, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 25126–25150

[1] Conspiracy to violate the Food and Drugs Act; contains instructions to the jury.

U. S. GOVERNMENT PRINTING OFFICE: 1938

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25151–25250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 2, 1936]

25151. Adulteration and misbranding of Collins Vanilla Flavoring, Collins Lemon Flavoring, and Collins Strawberry Flavoring. U. S. v. Clyde Collins Chemical Co., a corporation. Plea of guilty. Fine, $378.80. (F. & D. no. 33889. Sample nos. 30474–A, 30475–A, 34320–A, 34321–A, 34332–A.)

These articles contained substitutes for the articles they purported to be and were so colored as to conceal the inferiority occasioned by the substitution; and their labels represented them to be what they were not.

On July 5, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., alleging shipment in violation of the Food and Drugs Act on or about April 13 and July 14, 1933, from Memphis Tenn., into the States of Arkansas, Illinois, Louisiana, Missouri, and Virginia, of quantities of Collins Vanilla Flavoring, Collins Lemon Flavoring, and Collins Strawberry Flavoring which were adulterated and misbranded. Each article was labeled in part: (Bottle) "Manufactured by Clyde Collins Chemical Co., 260 Madison Ave., Memphis, Tenn."

Analysis showed that Collins Vanilla Flavoring was an aqueous-glycerol solution of coumarin, vanillin and a small amount of vanilla, colored with caramel; that Collins Lemon Flavoring was an aqueous gum emulsion containing approximately 1 percent of oil of lemon, colored with tartrazine; that Collins Strawberry Flavoring was essentially a suspension of gum in water, artificially flavored and colored and that it contained no fruit juice.

The vanilla flavoring was alleged to be adulterated (a) in that a nonalcoholic, aqueous glycerol solution of vanillin and coumarin, which contained little, if any, vanilla, had been substituted for vanilla flavoring, and (b) in that the article had been colored with caramel in a manner whereby its inferiority to vanilla flavoring was concealed.

The lemon flavoring was alleged to be adulterated (a) in that a nonalcoholic, artificially colored mixture of aqueous gum emulsion, which contained little, if any, lemon oil, had been substituted for lemon flavoring, and (b) in that the article had been artificially colored with tartrazine in a manner whereby its inferiority to lemon flavoring was concealed.

The strawberry flavoring was alleged to be adulterated (a) in that an artificially colored aqueous gum emulsion, which contained little, if any, strawberry fruit juice, had been substituted for strawberry flavoring, and (b) in that the article had been artificially colored with amaranth in a manner whereby its inferiority to strawberry flavoring was concealed.

The vanilla flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Vanilla flavoring * * * Superior triple strength * * * Vanilla", was false and misleading, in that the article contained little, if any, vanilla; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was vanilla flavoring; and (c) in that it was a preparation that was an imitation of vanilla flavoring and was offered for sale under the distinctive name of another article, to wit, vanilla flavoring.

The lemon flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Lemon Flavoring * * * Supreme Triple Strength * * * True Lemon flavoring", was false and misleading, in that the article

contained little, if any, lemon oil; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was lemon flavoring; and (c) in that it was offered for sale under the distinctive name of another article, to wit, lemon flavoring.

The strawberry flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Strawberry Flavoring", was false and misleading, in that the article contained little, if any, strawberry fruit juice; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the erroneous belief that it was strawberry flavoring; and (c) in that the article was offered for sale under the distinctive name of another article, to wit, strawberry flavoring.

On September 20, 1935, a plea of guilty was entered and a fine of $378.80 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25152. Adulteration of butter. U. S. v. 49 Cases and 125 Cases of Butter. Decrees of condemnation and destruction. (F. & D. nos. 35558, 35627. Sample nos. 36826–B, 36828–B to 36833–B, incl.)

These cases involved butter samples of which were found to contain mold, insects, rodent hair, and other extraneous matter.

On May 11 and 13, 1935, respectively, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 1 and May 8, 1935, by Armour Creameries, Inc., from Meridian, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries"; "Armours Star Quality Cloverbloom * * * Butter"; "Greer's Moo Girl Creamery Butter * * * Manufactured for Autrey Greer & Son Mobile Ala."; "Coleman's Fancy Creamery Butter * * * Distributed by Coleman's Mobile * * * Ala."

The libels charged adulteration of a portion of the article in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance; and adulteration of the remainder in that it consisted wholly or in part of a decomposed animal substance.

On October 7, 1935, Armour Creameries, Inc., having filed petitions to withdraw its claim of ownership, the said petitions containing claimant's consent to the entry of decrees, judgments of condemnation were entered and it was ordered that the article be destroyed; that claimant's petitions to withdraw its claim of ownership be denied, to which ruling the claimant excepted; and that the costs of the proceedings be taxed against the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25153. Misbranding of whisky. U. S. v. 88 Bottles of Whisky. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 35794. Sample nos. 42304–B, 42305–B.)

This case involved a shipment of whisky which was labeled to represent that it was produced under the supervision of, and its age and quality was guaranteed by, the Cuban Government; whereas the Cuban Government does not supervise the production or guarantee the age or quality of distilled spirits.

On July 24, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 bottles of whisky at Somerville, N. J., alleging that the article had been transported on or about May 16, 1935, from the premises of Alliance Distributors, Inc., New York, N. Y., to Somerville, N. J., by Emanuel Jaffey, and by him subsequently sold and delivered in the original unbroken packages to Benjamin Jaffey, at Somerville, N. J., and that the article was misbranded in violation of the Food and Drugs Act.

Misbranding of the article was alleged in that the statements on the labels, "Bottled in Bond Under Cuban Government Supervision", were false and misleading and tended to deceive and mislead the purchaser.

On September 20, 1935, Alliance Distributors, Inc., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25154. Adulteration of tomato paste. U. S. v. 24 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35800. Sample no. 26883–B.)

Samples of tomato paste from the shipment involved in this action having been found to contain worm debris, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On August 5, 1935, the United States attorney filed in the district court a libel praying seizure and condemnation of 24 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1935, by the Howard Terminal, Oakland, Calif., from Oakland, Calif., to Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Contadina Brand Tomato Paste Net Weight 6 Lbs. 6 oz. Prepared from Fresh Ripe Tomatoes Harmless color and Sweet Basil Packed by Hershel California Fruit Products Company San Jose, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 23, 1935, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. R. Gregg, *Acting Secretary of Agriculture.*

25155. Adulteration and misbranding of evaporated apples and adulteration of dried apricots and peaches. U. S. v. Rosenberg Bros. & Co., a corporation. Plea of guilty. Fine, $250. (F. & D. no. 29382. I. S. nos. 31348, 32417, 37299.

This action was based on interstate shipments of evaporated apples, apricots, and peaches, the first of which had been found to contain excessive moisture, the second and third of which had been found to be infested with worms and filth.

On January 12, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against Rosenberg Bros. & Co., a corporation, alleging two shipments by said defendant in violation of the Food and Drugs Act, as amended, one on or about January 19, 1932, from the State of California into the State of Pennsylvania of a quantity of apricots that were adulterated, the other on or about January 28, 1932, from the State of California into the State of Arkansas of a quantity of peaches that were adulterated and of a quantity of evaporated apples that were both adulterated and misbranded. The apricots were labeled in part: (Case) "California Slab Apricots." The peaches were labeled in part: (Case) "California Peaches Rosenberg Bros. & Co. California, U. S. A." The evaporated apples were labeled in part: (Case) "Iris Brand Choice California Evaporated Apples Packed by Rosenberg Bros. & Co., California, U. S. A."

It was alleged in the information that the apricots and peaches were adulterated in that each consisted in part of filthy, decomposed, and putrid vegetable and animal substances, and that the evaporated apples were adulterated in that an added substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength thereof, and were misbranded in that the statement, to wit, "evaporated apples", borne on the cases containing them, were false and misleading in that the apples were not evaporated apples but were apples insufficiently evaporated.

On September 28, 1935, the defendant entered a plea of guilty to the information and the court imposed a fine of $250.

W. R. Gregg, *Acting Secretary of Agriculture.*

25156. Adulteration of canned salmon. U. S. v. 120 Cartons and 54 Cartons, et al., of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 35819, 36097. Sample nos. 37949–B, 37958–B, 37967–B, 37971–B, 37972–B, 37986–B.)

Samples of canned salmon taken from the interstate shipments involved in these actions were found to contain decomposed salmon.

On July 27, 1935, and August 5, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 cartons and 22 cases of canned salmon remaining in the original unbroken packages, alleging that the article had been shipped from Cordova, Alaska, in part on or about June 26, 1935, by Guy A. Scott, Cordova, Alaska, and the re-

mainder on or about June 27, 1935, by the Bank of Cordova, Cordova, Alaska, into the State of Washington and charging adulteration in violation of the Food and Drugs Act. The article was unlabeled.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

W. G. Scott entered an appearance and claim admitting the material allegations of the libels and consenting to the entry of a decree. On August 23, 1935, a judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant upon the execution of a bond in the sum of $500. The decree further ordered that the claimant make a separation of the good and bad salmon and destroy the latter and that claimant pay all costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25157. Adulteration of canned salmon. U. S. v. 391 Cartons and 99 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 35820. Sample nos. 37962–B, 37963–B, 37965–B, 37966–B, 37969–B, 37970–B.)

Samples of canned salmon taken from the interstate shipment involved in this action were found to be decomposed.

On July 27, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 391 cartons and 99 cartons of the said canned salmon, remaining in the original packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Alaska Icepak Corporation, from Cordova, Alaska, into the State of Washington on or about June 17, 1935, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Eatmore Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 2, 1935, the Alaska Icepak Corporation, Cordova, Alaska, having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws relating thereto, and that the product be reconditioned under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25158. Adulteration of canned salmon. U. S. v. 80 Cases of Canned Salmon, and two other actions against cases of canned salmon. Cases consolidated for purposes of consent decree of condemnation, forfeiture, and destruction. Product released under bond. (F. & D. nos. 36099, 36102, 36113. Sample nos. 37991–B, 38018–B, 38019–B, 38020–B, 38122–B, 40412–B, 40417–B, 40418–B.)

Samples of canned salmon taken from the interstate shipments involved in these actions were found to contain decomposed salmon.

On August 5, 1935, and August 9, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 515 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Icepak Corporation, from Cordova, Alaska, on or about June 8, 1935, and June 17, 1935, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was unlabeled.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

The Alaska Icepak Corporation, Cordova, Alaska, entered a claim in each case, admitted the material allegations of the libel therein, and consented to consolidation of the cases for purposes of a decree. On August 22, 1935, judgment of condemnation, forfeiture, and destruction was entered, subject to stay of execution upon payment by the claimant of all costs and the giving of bond in the sum of $2,000, for release of the product to it for reconditioning under the supervision of the Food and Drug Administration.

W. R. Gregg, *Acting Secretary of Agriculture.*

25159. Adulteration of crab meat. U. S. v. Sixty-seven 1-Pound Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35809. Sample no. 39731–B.)

Crab meat taken from the shipment herein involved having been found to contain fecal *Bacillus coli*, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On July 12, 1935, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of sixty-seven 1-pound cans of crab meat in the original packages at York, Pa., consigned by Amory & Holloway Co., Hampton, Va., on or about July 9, 1935, alleging that the article had been transported in interstate commerce from Old Point Comfort, Va., to York, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Regular" on top of can; "Net Weight 1 lb." on side of can.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On August 22, 1935, no claimant having appeared for the property and the court having found that it was subject to seizure for the cause set forth in the libel, a decree was entered for its destruction by the United States marshal.

W. R. Gregg, *Acting Secretary of Agriculture.*

25160. Adulteration and misbranding of tomato puree. U. S. v. 850 Cases and 333 Cases of Tomato Puree. Consent judgment of condemnation. Product released under bond. (F. & D. no. 35772. Sample nos. 38784–B, 38788–B.)

A sample of tomato puree taken from the shipment herein described was found to be deficient in tomato solids. It was also found that the article was incorrectly labeled as "tomato puree" and "tomato sauce."

On July 20, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 850 and 333 cases of tomato puree, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce by A. Glorioso, trading under the name of the Mississippi Canning Co., from Crystal Springs, Miss., on or about June 21 and 25, 1935, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Eagle Brand Tomato Puree [or "Tomato Sauce"] Color Added Contents 4¾ Ozs. Net Packed by A. Glorioso New Orleans, La."

It was alleged in the libel that the article was adulterated in that a substance deficient in tomato solids had been substituted for tomato puree (or tomato sauce), which the article purported to be, and misbranded in that the statements on the labels, to wit, "Tomato puree" and "Tomato Sauce", as the case may be, were false and misleading and tended to deceive and mislead the purchaser when applied to products which are deficient in tomato solids.

On September 16, 1935, Angelo Glorioso having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this Department upon payment of costs and the execution of a bond in the sum of $4,200.

W. R. Gregg, *Acting Secretary of Agriculture.*

25161. Adulteration of tomato catsup. U. S. v. 135, 161, 148, and 148 Cases of Catsup. Default decree of destruction entered. (F. & D. no. 35798. Sample nos. 26865–B to 26868–B.)

Samples of tomato catsup from the shipment herein described having been found to contain worm debris, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On July 23, 1935, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of several lots of the catsup, consisting of 135, 161, 148, and 148 cases thereof, each containing 6 cans, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the California Supply Co., from San Francisco, Calif., on or about June 25, 1935, and had been transported from the State of California into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was

variously labeled in part: (Cans) "Town Club Brand Catsup"; "Full Value Brand Tomato Catsup"; "Ruby Brand Tomato Catsup"; "Good Year Brand Fancy Catsup."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 14, 1935, no claimant having appeared, judgment was entered ordering that the article be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25162. Adulteration of tomato puree. U. S. v. 9½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35799. Sample no. 33936–B.)

Excessive water was found in puree taken from the shipment herein described.

On July 24, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-half cases of tomato puree at Racine, Wis., alleging that the article had been shipped on or about September 28, 1934, by the Henryville Canning Co., from Pekin, Ind., into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Crystal Springs Brand Tomato Puree Contents Ten and One Half Ozs. Avoir."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 5, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25163. Adulteration of canned spinach. U. S. v. 637 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35823. Sample no. 19572–B.)

This action involved a quantity of canned spinach which was found to contain worms, insects, and extraneous filthy material.

On July 30, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 637 cases of canned spinach at Columbus, Ohio, alleging that the article had been shipped on or about May 9, 1935, by the Robinson Canning Co., from Robinson, Ark., to Columbus, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "King of Ozarks Brand Spinach Contents Six Lb Two Oz."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of extraneous filthy material, worms, and insects.

On September 26, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

25164. Adulteration of canned mushrooms. U. S. v. 8 Cases of Canned Mushrooms. Consent decree of condemnation and destruction. (F. & D. no. 36318. Sample no. 44403–B.)

This case involved a shipment of canned mushrooms which were decomposed, underprocessed, and in a state of active spoilage.

On September 11, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases, each containing 12 cans of mushrooms, at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1935, by the Michigan Mushroom Co., from Niles, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Our Lady's Fancy Mushrooms Sliced Michigan Mushroom Company Niles, Mich."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 23, 1935, the Michigan Mushroom Co. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25165. Adulteration of canned salmon. U. S. v. 785 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36317. Sample nos. 38096–B, 40526–B.)

This case involved a shipment of canned salmon which was in part decomposed.

On September 12, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 785 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 20, 1935, by the Deep Sea Salmon Co., from Skowl Arm, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

On September 25, 1935, the Deep Sea Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated in that it consisted in whole or in part of a decomposed animal substance and ordering that it be condemned. The decree provided, however, that the product might be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25166. Adulteration and misbranding of macaroni. U. S. v. 21 Boxes of Macaroni. Default decree of condemnation and destruction. (F. & D. no. 35738. Sample nos. 35817–B, 35818–B, 35819–B.)

This case involved macaroni made of wheat flour, apparently of first-run flour, and containing artificial color, which was represented to be macaroni made from semolina, and which failed to bear on the label a statement of the quantity of the contents.

On July 11, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of macaroni at Denver, Colo., consigned by the Western Macaroni Manufacturing Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about April 10, 1935, from the State of Utah into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipment consisted of three varieties, labeled "Spaghetti", "Mustaciol", and "Ditalini", respectively, all of which were further labeled: "Diamond 'A' Brand Macaroni. Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Made of 100% High Grade Semolina."

The article was alleged to be adulterated in that a product made of wheat flour and containing added yellow color had been substituted for macaroni made from 100 percent semolina, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing in the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not 100 percent semolina and which was artificially colored: "Macaroni * * * Made of 100% High Grade Semolina", "Mustaciol Queen's Taste Insuperabile", "Ditalini", "Spaghetti." Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25167. Misbranding of canned peaches. U. S. v. 256 Cases of Canned Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36213. Sample no. 29903–B.)

This case involved canned peaches which were substandard and were not labeled to indicate that fact.

On August 26, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 256 cases of canned peaches at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by the Georgia Canning Co., from

Wayside, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Georgia Cracker Brand Peeled Elberta Peaches * * * Packed by Georgia Canning Company, Wayside, Georgia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was not of uniform size, was too tender, and was not in unbroken halves, and its label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On November 12, 1935, the Georgia Canning Co., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department to indicate that it was substandard.

W. R. Gregg, *Acting Secretary of Agriculture.*

25168. Adulteration of canned salmon. U. S. v. 420 Cases of Red Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36271. Sample nos. 40480–B, 40501–B.)

This case involved a shipment of canned salmon that was in part decomposed.

On September 3, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 cases of canned red salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 7, 1935, by the Surf Canneries, Inc., from Kukak Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 9, 1935, the Surf Canneries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25169. Adulteration of canned salmon. U. S. v. 2,944 Cases of Pink Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36285. Sample nos. 38072–B, 38076–B.)

This case involved an interstate shipment of canned salmon which was in part decomposed.

On September 6, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,944 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 18, 1935, by the Glacier Sea Foods Co., from Cordova, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On September 23, 1935, the Glacier Sea Foods Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25170. Adulteration and misbranding of butter. U. S. v. 72 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36298. Sample no. 37440–B.)

This case involved an interstate shipment of butter which was deficient in milk fat and which contained filth.

On August 3, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, by the Valley Creamery, from New Mar-

tinsville, W. Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance. Adulteration was alleged for the further reason that a product containing less than 80 percent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was represented to be butter, which was false and misleading since it contained less than 80 percent of milk fat.

On September 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25171. Adulteration of butter. U. S. v. 24 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 36299. Sample no. 43163–B.)

This case involved a shipment of butter, samples of which were found to contain mold and parts of insects.

On July 22, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 16, 1935, via trucks of Jefferson Creamery, Inc., and Winn & Lovett Grocery Co., from Americus, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Land O'Sunshine Creamery Butter * * * Jefferson Creamery, Americus, Georgia."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25172. Adulteration of currants. U. S. v. 3 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 36300. Sample nos. 36324–B, 36325–B.)

Examination of the currants involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On July 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of currants at Boston, Mass., consigned on July 11, 1935, alleging that the article had been shipped in interstate commerce by Hubert Elting, from Highland, N. Y., and alleging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25173. Adulteration of huckleberries. U. S. v. 14 Crates of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36292. Sample no. 37441–B.)

This case involved a shipment of huckleberries that contained maggots.

On July 27, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 crates of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 20 and July 21, 1935, by H. G. Reeves, from Atkinson, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. G. Reeves, Atkinson, N. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 1, 1935, the consignee of the product having requested its destruction, judgment was entered ordering that it be destroyed immediately.

W. R. Gregg, *Acting Secretary of Agriculture.*

25174. Adulteration of huckleberries. U. S. v. 9 Crates of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36293. Sample no. 37448–B.)

This case involved a shipment of huckleberries that contained maggots.

On August 3, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1935, by the Quality Produce Co., from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Quality Produce Co., Roanoke, Virginia."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On August 3, 1935, the consignee of the product having requested its destruction, judgment was entered ordering that it be destroyed immediately.

W. R. Gregg, *Acting Secretary of Agriculture.*

25175. Adulteration of butter. U. S. v. 35 Tubs and 8 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 35731, 35733. Sample nos. 33616–B, 33630–B.)

These cases involved butter, samples of which were found to contain less than 80 percent of milk fat.

On June 21, and June 27, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the Albert City Cooperative Creamery, from Albert City, Iowa, in part on or about June 11, 1935, and in part on or about June 19, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On July 1, 1935, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and the cases having been consolidated for the purpose of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked to the legal standard under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25176. Adulteration and misbranding of olive oil. U. S. v. 5 Cans, et al., of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35837. Sample nos. 36679–B, 36680–B.)

This case involved a product consisting of domestic cottonseed oil which was labeled to convey the impression that it was imported Italian olive oil.

On August 2, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixteen 1-gallon cans of alleged olive oil at North Adams, Mass., alleging that the article had been shipped in interstate commerce on or about July 9, 1935, by F. Sacco, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Italia Brand Pure Imported Olive Oil." The remainder was labeled in part: "Sublime Olive Oil Acomo Fo Brand."

The article was alleged to be adulterated in that cottonseed oil had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements, designs, and devices, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser: (Italia brand, cans) "Italia * * * Pure Imported Olive Oil Liguria Finest Virgin Guaranteed Absolutely Pure L'Olio d'Oliva Marca Italia Importato E di assoluta purezza e garantito da qualsiasi analisi chimica tutti dovrebbero usarlo Virbus Unitis Italia. Italia * * * Importato Olio D'Oliva Liguria Olio D'Oliva Di Garantita Purezza Medicinale da Tavola da Cucina Medaglia d'Onore All' Esposizione Internazionale di S. Francisco di California 1915 The Olive Oil contained in this can is guaranteed to be absolutely pure under chemical analysis [Designs of olive

branches bearing olives embossed on top of can] Imported From Italy"; (Acomo Fo brand, cans) "Imported Products Sublime Olive Oil The Olive Oil Contained in this can is pressed from fresh picked high grown fruit, * * * and guaranteed to be absolutely pure under any chemical analysis. L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migilori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che, poco scrupolosi rivenditori la riempiano con olii adulterati o con olii di qualita inferiore. Il produttore avverte i rivenditori, che procedera contro i termini di legge [imprinted on top of can] Imported From Italy [designs of olive branches.]" Misbranding was alleged for the further reason that the article purported to be imported Italian olive oil, whereas it was domestic cottonseed oil; and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25177. Adulteration and misbranding of butter. U. S. v. 3 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 36396, 36397. Sample nos. 38843-B, 38848-B, 38849-B.)

These cases involved tub and print butter; the former was adulterated because of deficiency in milk fat and the latter was misbranded, since a part bore no declaration of weight on the package, and the label of the remainder bore an incorrect declaration of weight.

On August 29 and September 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 tubs and 17 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 10 and August 27, 1935, by the DeLuxe Foods Corporation, from Senatobia, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the print butter was labeled in part: (Carton) "E. M. Fancy Creamery Butter * * * One Pound Net * * * DeLuxe Foods Corp. of La. * * * New Iberia, La."; (wrapper) "4 oz. Net Weight."

The tub butter was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the print butter for the reason that the statements, "One Pound Net" and "4 oz. Net Weight", borne on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged with respect to the remainder of the print butter for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1935, the DeLuxe Foods Corporation having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the tub butter be reworked to the legal standard and that the print butter be properly labeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

25178. Adulteration of huckleberries. U. S. v. 18 Baskets of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36291. Sample no. 37446-B.)

This case involved a shipment of hukleberries that contained maggots.

On August 2, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 baskets, each containing 12 quarts of huckleberries, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 31, 1935, by J. B. Smelser, from Stanley, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1935, the consignee having requested the destruction of the product, judgment was entered ordering that it be destroyed immediately.

W. R. Gregg, *Acting Secretary of Agriculture.*

25179. Adulteration of apples. U. S. v. A. J. Todkill. Plea of guilty. Fine, $50. (F. & D. no. 35921. Sample nos. 7477–B, 20767–B, 23739–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 3, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. J. Todkill, trading at Barker, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 16, 1934, from the State of New York into the State of New Jersey, and on or about November 21, 1934, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated. A portion of the article was labeled in part: "Duchess S Powley Lyndonville NY."

The article was alleged to be adulterated in that it contained added poisonous and deleterious substances, namely, arsenic and lead, which might have rendered it injurious to health.

On October 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

25180. Adulteration of apples. U. S. v. 36 Bushels of Apples. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. no. 36410. Sample no. 38576–B.)

Examination of the apples covered by this case showed the presence of lead in an amount that might have rendered them injurious to health.

On August 24, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bushels of apples at Denver, Colo., consigned by Cicardi Bros. Fruit & Produce Co., from Elsberry, Mo., alleging that the article had been shipped in interstate commerce on or about August 5, 1935, from the State of Missouri into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. W. Ringhausen, Elsberry, Mo."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On September 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution on condition that the deleterious substance be removed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25181. Adulteration of huckleberries. U. S. v. 7 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36294. Sample no. 42349–B.)

This case involved a shipment of huckleberries which were infested with maggots.

On August 6, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by Davis & Marvel, from Seaford, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25182. Adulteration of eggs. U. S. v. 209 Crates of Eggs. Consent decree of condemnation. Product released under bond. (F. & D. no. 36404. Sample no. 32092–B.)

This case involved a shipment of shell eggs which were in part decomposed.

On or about August 20, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 209 crates of eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1935, by H. W. Richter, Fremont, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 22, 1935, Max Herz & Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good eggs be separated from the bad and the former, only, disposed of for consumption as food.

W. R. Gregg, *Acting Secretary of Agriculture.*

25183. Adulteration and misbranding of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation. Product delivered to charitable institution. (F. & D. no. 36383. Sample no. 30562–B.)

This case involved tub butter that was deficient in milk fat.

On August 23, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by Roanoke Butter & Cheese, Inc., from Roanoke, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Arrow Dairy * * * New York N Y Process Butter * * * Factory No. 1 * * * Roanoke Va."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading.

On September 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

W. R. Gregg, *Acting Secretary of Agriculture.*

25184. Adulteration of butter. U. S. v. 8 Tubs and 8 Tubs of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35712, 35714. Sample nos. 22604–B, 22607–B.)

These cases involved butter samples of which were found to contain mold and fragments of insects.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 16 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 21 and May 25, 1935, by the McComb Dairy Products Co., from McComb, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The misbranding charge was stricken by amendments to the libels dated June 5 and June 6, 1935, respectively.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On July 9, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25185. Adulteration of tomato puree. U. S. v. 508 Cases, et al., of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 35687 to 35690, incl. Sample nos. 32271–B, 32272–B, 32335–B, 32336–B.)

These cases involved canned tomato puree that contained excessive mold.

On June 29 and July 1, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in

the district court libels praying seizure and condemnation of 1,003 cases and 147 cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 8, 1935, by the Rio Grande Valley Canning Co., from Mission, Tex., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co., Inc., McAllen, Texas." The remainder was labeled in part: "Puree A and F Brand Tomatoes * * * Packed and Shipped by Rio Grande Valley Canning Co., Edinburg, Texas."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 30, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25186. Adulteration and misbranding of sirup. U. S. v. Three Drums of Maple Sirup. Default decree of condemnation and destruction. (F. & D. no. 35740. Sample no. 28802–B.)

This case involved a product consisting of a mixture of sugar sirup and maple sirup which was sold as pure maple sirup.

On July 11, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three drums of maple sirup at Wattsburg, Pa., alleging that the article had been shipped on or about April 25, 1935, by Alonzo L. Eastman and Harry H. Whitney, from Wattsburg, Pa., to North Clymer, N. Y., that it had been reshipped from North Clymer, N. Y., to Alonzo L. Eastman, Wattsburg, Pa., on or about June 10, 1935, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The drums were stenciled: "Cary Maple Sugar Co., St. Johnsbury Vt."

The article was alleged to be adulterated in that sugar sirup had been substituted in part for maple sirup which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, namely, maple sirup.

On August 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25187. Adulteration of dried peaches and dried apples. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, $200. (F. & D. no. 33815. Sample nos. 45167–A, 54498–A, 61819–A.)

This case was based on an interstate shipment of dried peaches and dried apples, samples of which were found to be dirty and moldy.

On November 27, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about December 4, 1933, from the State of California into the District of Columbia of a quantity of dried peaches, and on or about March 5, 1934, from the State of California into the State of Texas of a quantity of dried apples, which products were adulterated. The peaches were labeled in part: "Approval Brand California Recleaned Fancy Peaches Distributed by M. E. Horton Inc. Washington D. C." The apples were labeled in part: "25 Lbs. Net California Evaporated Apples."

The articles were alleged to be adulterated in that they consisted in part of filthy vegetable and animal substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

W. R. GREGG, *Acting Secretary of Agriculture.*

25188. Adulteration of dried peaches. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, $100. (F. & D. no. 32190. Sample no. 14517–A.)

This case involved a shipment of dried peaches, samples of which were found to be moldy and dirty.

On July 9, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation,

San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 14, 1933, from the State of California into the State of Texas of a quantity of dried peaches which were adulterated. The article was labeled in part: "Choice Peaches * * * N. D. & S. * * * Houston."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25189. Adulteration of tomato sauce. U. S. v. 26 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. & D. no. 36239. Sample no. 37666–B.)

This case involved an interstate shipment of tomato sauce which was found to contain mold and worm debris.

On August 26, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed a libel in the district court praying seizure and condemnation of 26 cases of tomato sauce at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 6, 1935, by A. M. Beebe Co., from San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Contents 7¾ Oz. Calirose Tomato Sauce Spanish Style Packed For A. M. Beebe Co San Francisco U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On September 25, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25190. Adulteration of canned salmon. U. S. v. 19 Cases of Pink Salmon and 9 Cases of Coho Salmon. Default decree of condemnation and destruction. (F. & D. no. 35844. Sample nos. 37948–B, 37983–B, 37984–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On August 2, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 6, 1935, by the Alaska Icepak Corporation, from Cordova, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 28, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25191. Adulteration of dried figs. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, $100. (F. & D. no. 35914. Sample no. 20147–B.)

This case was based on an interstate shipment of dried figs which were found to be insect-infested, moldy, or sour.

On September 5, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 3, 1934, from the State of California into the State of Washington of a quantity of dried figs which were adulterated. The article was labeled in part: "Emporium Brand California Black Figs Extra Choice Packed for Northern Grocery Co. Bellingham, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 28, 1935, the defendant entered a plea of guilty and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25192. Adulteration of dried pears. U. S. v. California Packing Corporation. Plea of guilty. Fine, $200. (F. & D. no. 35945. Sample nos. 13023–B, 21941–B.)

This case was based on an interstate shipment of dried pears which contained dirty, moldy, and worm-infested pieces of fruit.

On September 4, 1935, the United States attorney for the Northern District of California, acting on a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about February 15, 1935, from the State of California into the State of New York of a quantity of dried pears which were adulterated.

The article was labeled in part: "25 Lbs Net Wt. Highland Extra Choice Light Colored Northern Pears Prepared With Sulphur Dioxide Packed By California Packing Corporation Main Office San Francisco Cal."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

25193. Misbranding of olive oil. U. S. v. Dominic Tavano and George Renos (Italian Olive Oil Co.). Pleas of guilty. Defendants fined $25 each. (F. & D. no. 35878. Sample no. 20729–B.)

This case was based on an interstate shipment of a product consisting essentially of domestic cottonseed oil, which was represented on the label to be olive oil produced in Italy.

On October 7, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dominic Tavano and George Renos, copartners, trading as the Italian Olive Oil Co., Jamestown, N. Y., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 1, 1934, from the State of New York into the State of Pennsylvania of a quantity of olive oil which was misbranded. The article was labeled in part: "La Vergine Brand Finest Quality Oil [design of olive tree bearing fruit] Lucca Qualita Extra Fina Insuperabile per Tavola, Cucina Etc. Extra Fine Quality Oil Insuperable for Table, Cooking Etc."

The article was alleged to be misbranded in that the statement, "Finest Quality Oil Lucca", together with the design of an olive tree, borne on the label on the cans, was false and misleading, and in that by reason of said statement and design the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was olive oil produced in Lucca in Italy; whereas, in fact, the article was not olive oil and was not produced in Italy, but was composed essentially of cottonseed oil and was produced in the United States.

On November 22, 1935, the defendants entered pleas of guilty and the court imposed a fine of $25 on each.

W. R. Gregg, *Acting Secretary of Agriculture.*

25194. Misbranding of olive oil. U. S. v. 114 Bottles of Olive Oil. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 35789. Sample no. 42303–B.)

This case involved a shipment of olive oil in bottles, the quantity of the contents of which was not stated thereon.

On July 20, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 bottles of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 11, 1935, by Conti Products Corporation, from New York, N. Y., and that the article was misbranded in violation of the Food and Drugs Act. The article was labeled: "Conti Pure Virgin Olive Oil From the Finest Selected Olives Product of Italy."

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a suitable charitable or relief organization.

W. R. Gregg, *Acting Secretary of Agriculture.*

25195. Adulteration of canned salmon. U. S. v. 3,503 Cans of Pink Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36244. Sample nos. 38040–B, 38046–B, 38051–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On August 29, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 3,503 cans of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 1, 1935, by Wrangell Packing Co., from Wrangell, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 17, 1935, the Wrangell Packing Co. having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that the product be reconditioned under the supervision of this Department to conform to the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

25196. Adulteration of tomato paste. U. S. v. 19 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36137. Sample no. 38822–B.)

This case involved an interstate shipment of tomato paste which contained mold.

On August 16, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 8, 1935, by Houston Macaroni Co., from Houston, Tex., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Naples Style Tomato Paste Polly Brand Tipo Napoli * * * Net Contents Six Ounces Distributed by Uddo-Taormina Corporation."

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed vegetable substance.

On September 18, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25197. Adulteration of tomato puree. U. S. v. 10 Cases of Tomato Puree. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. no. 36125. Sample no. 35795–B.)

This case involved an interstate shipment of tomato puree which contained mold and worm and insect debris.

On August 22, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of tomato puree at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by the Currie Canning Co., from Grand Junction, Colo., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Jordan Brand Tomato Puree * * * Packed for The J. S. Brown Mercantile Co."

The article was alleged to be adulterated in that it was composed in whole or in part of a filthy and decomposed vegetable substance, mold and worm and insect debris, and was unfit for food.

On August 30, 1935, the Currie Canning Co., having appeared as claimant and having consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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25198. Adulteration and misbranding of honey. U. S. v. 88 Jars of Tasty Brand Pure Honey. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35870. Sample nos. 42322–B, 42329–B.)

This case involved an interstate shipment of honey, so-called, which was found to be a mixture of sucrose and commercial glucose and to contain little or no honey.

On August 7, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 jars of a product described as honey at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 28, 1935, by the Ordower Dist. Co. from Newark, N. J., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "Tasty Brand Pure Honey Ordower Dist. Co. Newark, N. J."

The article was alleged to be adulterated in that a mixture of sucrose and commercial glucose containing little or no honey had been substituted for pure honey which the product purported to be.

The article was alleged to be misbranded (1) in that the statement on the label, "Pure Honey", was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of sucrose and commercial glucose containing little or no honey, and (2) in that it was offered for sale under the distinctive name of another article, honey.

On September 5, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25199. Misbranding of cake flavor. U. S. v. 116 Cartons and 79 Dozen Bottles of Peeko Cake Flavor. Default decree of condemnation and destruction. (F. & D. nos. 36132, 36133. Sample nos. 24482–B, 24483–B.)

These cases involved a nonalcoholic imitation of vanilla flavor which was falsely represented on the label as a double-flavor vanilla extract.

On August 13, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 116 cartons and 79 dozen bottles of an article, described on the label as Peeko Cake Flavor at Philadelphia, Pa., alleging that the article had been shipped on or about June 6 and June 8, 1935, by Pichel Products Co., Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Peeko Cake Flavor * * * A Delicious Flavor for Cakes, Puddings and Sauces Twice As Strong As Vanilla Pichel Products Co., Inc. New York * * * 'Use in Place of Vanilla' Twice as Strong Richer In Flavor * * * Use Only One-Half the quantity of Peeko Cake Flavor whenever a recipe calls for Vanilla."

The article was alleged to be misbranded (1) in that the statements on the label, "Twice as Strong as Vanilla * * * 'Use in Place of Vanilla' Twice as Strong Richer in Flavor * * * Use Only One-Half the quantity of Peeko Cake Flavor whenever a recipe calls for Vanilla", were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was a double-strength vanilla extract; whereas it was a nonalcoholic imitation of vanilla flavor; and (2) in that it was an imitation of another article, vanilla extract, and was not so labeled.

On September 4, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25200. Misbranding of wheat gray shorts and wheat screenings. U. S. v. Washburn Crosby Co. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 35942. Sample no. 27412–B.)

This case was based on an interstate shipment of wheat gray shorts and wheat screenings which were found to have a greater fiber content than the maximum represented on the label.

On August 30, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed an information in the district court against the Washburn Crosby Co., a corporation, Kansas City, Mo., charging shipment by said corporation in violation of the Food and Drugs Act on or about November 26, 1935, from the State of Missouri

into the State of Kansas of a quantity of wheat gray shorts and wheat screenings which were misbranded.

The article was labeled in part: "100 Lbs. Net Washburn's Gold Medal Feeds. Washburn's Gold Medal Wheat Gray Shorts and Wheat Screenings, not exceeding 8% Washburn Crosby Co. Kansas City, Mo. of General Mills, Inc. Minneapolis, Minn. Guaranteed Analysis * * * Fibre, not more than 6.0%."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis * * * Fibre not more than 6.0%", borne on the label, was false and misleading, and for the further reason that the article, by reason of said statement, was labeled so as to deceive and mislead the purchaser, since the statement represented that the article contained not more than 6 percent of fiber; whereas the article contained more than 6 percent of fiber, namely, 7.82 percent.

On September 7, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25201. Adulteration of apple butter. U. S. v. 50 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 36104. Sample no. 33331–B.)

Examination of the apple butter involved in this case showed the presence of lead and arsenic trioxide in amounts that might have rendered it injurious to health.

On August 6, 1935, the United States attorney for the Eastern District of Michigan, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of apple butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about June 21, 1935, by the Allison-Bedford Co., from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Glencrest Pure Apple Butter * * * Allison-Bedford Co. Chicago, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic trioxide, which might have rendered it injurious to health.

On September 3, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25202. Misbranding of cream of tartar, black pepper, and paprika. U. S. v. 33 Cans of Cream Tartar, 372 Cans of Black Pepper, and 141 Cans of Paprika. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 35845, 35846, 35847. Sample nos. 32547–B, 32548–B, 32549–B.)

This case involved an interstate shipment of cream of tartar, black pepper, and paprika, the packages of which were short in weight.

On August 1, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cans of cream of tartar, 372 cans of black pepper, and 141 cans of paprika at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about February 1, March 1, and May 1, 1935, respectively, by the Temson Products Co., from Chicago, Ill., and that they were misbranded in violation of the Food and Drugs Act. The articles were labeled, respectively, in part: "Very Best Brand Pure Ground Products Cream Tartar 3 Ozs. Benaco Products Chicago, Ill."; "Very Best Brand Pure Ground Spices Black Pepper Price 35¢ Net Weight 3 Ounces Benaco Products Chicago, Ill."; and "Very Best Brand Pure Ground Spices Paprika Price 35¢ Net Weight 2½ Ounces Benaco Products Chicago, Ill."

The articles were alleged to be misbranded in that the statements on the labels, "3 Ozs.", or "Net Weight 3 Ounces", and "Net Weight 2½ Ounces", respectively, were false and misleading and tended to deceive and mislead the purchaser, and in that the quantity of the contents of the packages was not plainly and conspicuously marked on the outside thereof, since the quantity stated was not correct.

On September 10, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25203. Adulteration of canned salmon. U. S. v. 3,558 Cases of Pink Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36247. Sample nos. 40488–B, 40495–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On August 30, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed a libel in the district court praying seizure and condemnation of 3,558 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 10, 1935, by Strand-Jensen Fisheries Co., from Cordova, Alaska, and that it was adulterated in violation of the Food and Drugs Act. A portion of the cans of the article were labeled: "Bay Beauty Brand Select Alaska Pink Salmon Contents One Pound"; the remainder of the cans were unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 10, 1935, the Washington Fish & Oyster Co., a corporation, having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25204. Adulteration of canned salmon. U. S. v. 49 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36243. Sample no. 42860–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On August 29, 1935, the United States attorney for the District of New Jersey, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned salmon at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 18, 1935, by the Nakat Packing Corporation, from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The cans of the article in 48 of the cases were labeled in part: "Sultana Red Salmon Net Wt. 7¾ Ozs. The Great Atlantic & Pacific Tea Company New York, N. Y. Distributors." The cans of the article in the remaining case were unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 12, 1935, W. G. Scott, Cordova, Alaska, having appeared as claimant, having admitted the allegations of the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25205. Misbranding of whisky. U. S. v. 157 Bottles of Mill Creek Rye Whiskey. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 35803. Sample nos. 42976–B, 42977–B, 42978–B.)

This case involved a shipment of whisky which was labeled to represent that it was produced under the supervision of, and its age and quality was guaranteed by, the Cuban Government; whereas the Cuban Government does not supervise the production or guarantee the age or quality of distilled spirits.

On July 29, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 157 bottles, half-pint size, pint size, and quart size, of Mill Creek Rye Whiskey at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 24 and July 5, 1935, by Alliance Distributors, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

Misbranding of the article was alleged in that the statement on the bottle labels of all the three sizes mentioned, "Bottled in Bond Under Cuban Government Supervision", and the statement on the labels of the pint-size bottles, "Caution:—This whiskey is Guaranteed to be Made * * * Under Supervi-

sion of Government Inspectors", were false and misleading and tended to deceive and mislead the purchaser.

On September 18, 1935, Alliance Distributors, Inc., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25206. Misbranding of clam juice. U. S. v. 50 Cases of Clam Juice. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 36106. Sample no. 38120–B.)

This case involved an interstate shipment of canned clam juice which was short in measure and which was misrepresented on the label as having curative or therapeutic effect.

On August 6, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned clam juice at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about July 8, 1935, by the Bangor Packing Co., from Seattle, Wash., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Point Loma Brand Fancy Clam Juice Net Contents 1 Pint 4 Fl. Oz. * * * Packed for and Guaranteed by Klauber Wangenheim Co. San Diego, Los Angeles & El Centro, California."

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect. Misbranding was alleged for the further reason that the label bore the statements regarding the curative or therapeutic effect of the article, "Will be found very beneficial for all stomach disorders. It tones up the entire system", which were false and fraudulent.

On September 20, 1935, Klauber Wangenheim Co., having appeared as claimant and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25207. Adulteration of cherries. U. S. v. 15 Crates, et al., of Cherries. Default decree of condemnation and destruction. (F. & D. nos. 36196, 36198. Sample nos. 24485–B, 24490–B.)

Examination of the cherries involved in these cases showed the presence of lead which might have rendered them harmful to health.

On July 13, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 15 crates of cherries and 115 crates of cherries, respectively, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12, 1935, by Charles A. Collins, from Moorestown, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25208. Adulteration and misbranding of dog food. U. S. v. 50 Cases of Trixie Brand Beef Ration Dog Food and 272 Cases of "Playfair" Beef Ration Dog Food. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 35769. Sample nos. 38008–B, 38009–B.)

This case involved a shipment of dog food represented on the label to contain beef, but which contained lung tissue instead.

On July 19, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases and 272 cases of canned dog food at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 8, 27, and 28, 1935, by

O'Connell Packing Co., from Portland, Oreg., and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Trixie Brand Beef Ration Dog Food [or 'Playfair' Beef Ration Dog Food] * * * Packed by O'Connell Packing Co., Portland, Oregon."

Adulteration of the article was alleged in that an article containing lung tissue had been substituted for a product purporting to contain beef meat as implied by the designation on the label, "Beef Ration Dog Food."

Misbranding of the article was alleged in that the following statements appearing on the labels in the lot of 50 cases, "Beef Ration Dog Food", "'Trixie' * * * would tell you that Trixie Beef Ration should constitute an important item in the feeding schedule. 'Trixie's' food embodies oils, minerals, * * * and fresh packing house meats * * *", and the following statements appearing on the labels in the lot of 272 cases, "Beef Ration Dog Food, * * * this balanced food", "Playfair Beef Ration is made from fresh packing house meats, * * * minerals and fats, * * * proportioned in accordance with the bio-chemical requirements of the feeding animal", were false and misleading and tended to deceive and mislead the purchaser when applied to a product which contained lung tissue instead of beef.

On July 23, 1935, A. W. O'Connell, doing business as the O'Connell Packing Co., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25209. Adulteration and misbranding of alleged olive oil. U. S. v. Forty-one and Four 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35790. Sample nos. 36243–B, 36250–B.)

This case involved shipments of a product which was represented on the label as being olive oil and as having been imported from Italy, whereas the product was not olive oil but was sunflower oil artificially colored and flavored, it was not imported from Italy, and the measure of the contents of the package was less than that represented on the label.

On July 26, 1935, the United States attorney for the District of Rhode Island, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cans of an article labeled in part, "Sublime Olive Oil Berino Bran", and 4 cans of an article labeled in part, "Olive Oil Lora Brand", at Providence, R. I., alleging that the product had been shipped in interstate commerce on or about June 13 and 24, 1935, by the Import Oil Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

Adulteration of the product was alleged in that sunflower or corn oil, artificially colored and flavored, had been substituted for olive oil, which the product purported to be.

Misbranding of the product was alleged (1) in that the statements and designs appearing on the labels of the 41 cans of the so-called "Sublime Olive Oil Berino Brand", "Italian Product", "Sublime Olive Oil", "Lucca-Italia", "The Purity of this Olive Oil is guaranteed under chemical analysis", "La Purezza di quest' olio e' garentita all' analisi chimica noi lo raccomandiamo per uso tavola-che per uso medicinale", "Imported from Italy", and "Net Contents One Gallon", and a design of olive branches; and the statements and designs appearing on the labels of the 4 cans of the so-called "Olive Oil Lora Brand", "Superfine Olive Oil Extra Quality", "Imported from Italy", "Olio D'Oliva Superfino Qualita Extra", "Importato Dall' Italia", "First Pressing Cream Olive Oil", "Il contenuto di questa e garentito Olio D'Oliva assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale", "Imported from Italy", "Net Contents 1 Gallon", and designs of olive branches, were false and misleading and tended to deceive and mislead the purchaser; (2) in that it purported to be a foreign product when not so; (3) in that it was offered for sale under the distinctive name of another article, olive oil; and (4) in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the package, since the quantity stated was incorrect.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25210. Adulteration of tomato ketchup. U. S. v. 15 Cases of Tomato Ketchup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 35822. Sample no. 26885–B.)

This case involved a shipment of tomato ketchup which was filthy, decomposed, and putrid by reason of the presence of insects.

On July 30, 1935, the United States attorney for the District of Hawaii, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of tomato ketchup at Paia, Maui, Territory of Hawaii, alleging that the article had been shipped in interstate commerce, on or about July 17, 1935, by Alexander & Baldwin, Ltd., from San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Ketchup Net Weight Fourteen ozs. avd. Pratt-Low Preserving Company, General Office Santa Clara, California, U. S. A. Distributors."

The article was alleged to be adulterated for the reason that it consisted in whole or in part of a filthy, decomposed, putrid animal or vegetable substance in that it was infested with insects.

On August 15, 1935, the Maui Agricultural Co., Ltd., owners of the Paia Store, Paia, Maui, Hawaii, having appeared as claimants for the product, through their agent, Alexander & Baldwin, a corporation, and having admitted the allegations of the libel and consented to entry of judgment, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25211. Adulteration of cherries. U. S. v. 95 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36197. Sample no. 24484–B.)

Examination of the cherries involved in this case showed the presence of lead which might have rendered them harmful to health.

On July 13, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12, 1935, by Emmor Roberts, from Moorestown, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25212. Adulteration of cherries. U. S. v. 150 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36200. Sample no. 24496–B.)

Examination of the cherries in this case showed the presence of lead which might have rendered them harmful to health.

On July 16, 1935, the United States attorney for the Eastern District of Pennsylvania filed in the district court a libel praying seizure and condemnation of 150 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by Byron T. Roberts, from Marlton-Moorestown, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25213. Adulteration of cherries. U. S. v. 31 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36199. Sample no. 24492–B.)

Examination of the cherries involved in this case showed the presence of lead which might have rendered them harmful to health.

On July 15, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 baskets of cherries

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by Preston T. Roberts, from Moorestown, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 30, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25214. Adulteration and misbranding of alleged olive oil. U. S. v. Thirty-eight 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35791. Sample nos. 36245–B, 36246–B, 36247–B, 36249–B.)

This case involved a shipment of a product which was represented on the labels to be imported olive oil, but which was in fact a domestic product composed of sunflower oil or corn oil artificially colored and flavored, and the quantity of the contents of the cans was less than that stated on the labels.

On July 26, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty-eight 1-gallon cans of alleged olive oil at Providence, R. I., alleging that the product had been shipped in interstate commerce on or about June 13, 1935, by Itolo Olive Oil Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in six of the cans, described as "Olive Oil Lora Brand", was labeled: "Superfine Olive Oil Extra Quality * * * Imported From Italy Olio D'Oliva Superfino Qualita Extra 'Importato Dall' Italia 'First Pressing Cream Olive Oil' Il contenut odi questa e' garentito Olio D'Oliva assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale", "Net Contents 1 Gallon [designs of olive branches] Imported From Italy." The article in five of the cans, described as "Olive Oil * * * Italia Brand", was labeled: "Superfine Olive Oil Imported Italia Brand Lucca Italia Premiato In Tutte Le Esposizioni Europee First Pressing Cream Olive Oil Net Contents 1 Gallon [designs of olive branches and Italian flag] Imported From Italy." The article in 23 of the cans, described as "Olive Oil Acomo Fo Brand", was labeled: "Imported Products Sublime Olive Oil * * * The Olive Oil contained in this can is pressed from fresh packed high grown fruit, * * * and guaranteed to be absolutely pure under any chemical analysis. L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che, poco scrupolosi rivenditori la riempiano con olii adulterati o con olii di qualita inferiore. Il produttore avverte i rivenditori, che procedera contro i termini di legge. Net Contents One Gallon [design of olive branches] Imported From Italy." The article in 4 of the cans, described as "Italia Brand Olio Puro D'Oliva Vergime", was labeled "Italia Brand Olio Puro D'Oliva Vergine Confezionato in Italia Impaccato Espressamente Per San Remo Olive Oil Co. Questo Olio D'Oliva e' garentito assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale Contents Net I Gallon [designs of olive branches and Italian flag] Imported From Italy. Adulteration of the product was alleged in that sunflower oil or corn oil, artificially flavored and (in the case of the four cans of "Italia Brand Olio Puro D'Oliva Vergine") artificially colored had been substituted for olive oil, which the article purported to be. Misbranding of the product was alleged in that the aforesaid statements and designs and devices appearing on the labels were false and misleading and tended to deceive and mislead the purchaser; and in that the product was offered for sale under the distinctive name of another article; and in that it purported to be a foreign product when it was not so; and in that it was in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the quantity stated was incorrect.

On August 26, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25215. Adulteration of frozen green peas. U. S. v. 1,184 Cartons, et al., of Fancy Green Peas. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. nos. 36118, 36214. Sample nos. 35278–B, 35292–B.)

These cases involved shipments of a product labeled "Fancy Green Peas", which was found to be infested with insects.

On August 9 and 26, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,184 cartons and 1,125 cases of frozen green peas at Cleveland, Ohio, alleging that the product had been shipped in interstate commerce on June 27 and July 8, 1935, by the Frosted Food Sales Corporation from Hillsboro, Oreg., and that it was adulterated in violation of the Food and Drugs Act. The product was labeled in part: "Net Weight 2½ Pounds. Birdseye Frosted Foods. Fancy Green Peas. Packed for Frosted Food Sales Corporation, New York, N. Y."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On August 26, 1935, the Frosted Food Sales Corporation having appeared as claimant for the property and having admitted the allegations of the libel and consented to entry of an order of condemnation, judgment was entered ordering the product to be released under bond conditioned that it be sorted and the unfit portion segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25216. Adulteration of canned salmon. U. S. v. 1,726 Cases, et al., of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 35873, 36101, 36115, 36116. Sample nos. 37974–B, 37978–B, 37988–B, 37998–B, 38016–B, 40408–B, 40410–B, 40411–B, 40425–B, 40427–B.)

These cases involved interstate shipments of canned salmon which was found to be in whole or in part decomposed.

On August 2, 5, and 9, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court five libels praying seizure and condemnation of 6,293 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 17, June 21, and July 13, 1935, by the First Bank of Cordova, per W. R. Gilbert Co., Inc., from Cordova, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 26, 1935, W. R. Gilbert Co., Inc., Cordova, Alaska, having appeared as claimant and having admitted the allegations of the libels and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated under the supervision of this Department and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25217. Adulteration of canned salmon. U. S. v. 225 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. no. 36109. Sample no. 39186–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On August 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1935, by the Nakat Packing Corporation, from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled on the cases, "48 ½ Lb. Flat Sultana Brand Alaska Red Salmon Distributors The Great Atlantic & Pacific Tea Co. New York, N. Y."; and on the cans, "Sultana Red Salmon Net Wt. 7¾ Ozs. The Great Atlantic & Pacific Tea Company New York, N. Y. Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 27, 1935, W. G. Scott, doing business as Scotty's Packing Co., having appeared as claimant, and having admitted the allegations of the libel

and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25218. Adulteration of canned salmon. U. S. v. 1,000 Cases of Red Salmon, 1,500 Cases of Pink Salmon, 977 Cases of Red Salmon, 4,670 Cases of Pink Salmon, 4,013 Cartons of Pink Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. nos. 36202, 36203, 36314, 36319, 36337. Sample nos. 38000–B, 40419–B, 40429–B, 40434–B, 40455–B, 40463–B, 40519–B, 40522–B, 40523–B, 40528–B, 40530–B.)

These cases involved interstate shipments of canned salmon which was found to be in part decomposed.

On August 23 and September 12 and 14, 1935, the United States attorney for the Western District of Washington filed in the district court five libels praying seizure and condemnation of 1,000 cases of red salmon, 1,500 cases of pink salmon, 977 cases of red salmon, 4,670 cases of pink salmon, and 4,013 cartons of pink salmon, respectively, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about June 23, July 15, August 3, 8, and 30, 1935, by the Washington Fish & Oyster Co., Inc., from Port Williams, Alaska, and that they were adulterated in violation of the Food and Drugs Act.

The articles in the shipments of June 23, July 15, and August 8 were alleged to be adulterated in that they consisted in whole or in part of a decomposed animal substance, and the articles in the shipments of August 3 and 30 were alleged to be adulterated in that they consisted in whole or in part of a decomposed or putrid animal substance.

On August 29, September 18, and September 26, 1935, the Washington Fish & Oyster Co., Inc., having appeared as claimant and having admitted the allegations of the libels and consented to decrees, judgments of condemnation and forfeiture were entered and it was ordered that the products be released to claimant under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25219. Adulteration of canned salmon. U. S. v. 8,053 Cases and 3,997 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 36309, 36310. Sample nos. 40500–B, 40504–B, 40513–B, 40518–B.)

These cases involved shipments of canned salmon which was in part decomposed. On September 9, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12,050 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 29 and August 9, 1935, by the Alaska Southern Packing Co., from Kupreanof Harbor, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

The Alaska Southern Packing Co. appeared as claimant, admitted the allegations of the libels and consented to the entry of a decree. On September 20, 1935, the cases having been consolidated, judgment was entered condemning the product but providing that it might be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25220. Adulteration of frozen strawberries. U. S. v. 10 Barrels and 15 Barrels of Frozen Strawberries. Consent decrees of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 35742, 35767. Sample nos. 35952–B, 35955–B.)

This case involved shipments of frozen strawberries which were in part decomposed.

On July 6 and July 16, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 barrels, each containing approximately 450 pounds of frozen strawberries, at Bigler-

ville, Pa., alleging that the article had been shipped in interstate commerce in part on or about June 19, 1935, by R. C. Teachey & Co., Inc., and in part on or about June 25, 1935, by the Jones Cold Storage & Terminal Corporation, from Norfolk, Va., and charging adulteration in violation of the Food and Drugs Act. The barrels were stenciled: "R. C. Teachey & Co., Norfolk, Va. % Jones Cold Storage Co. RP."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On December 17, 1935, the C. H. Musselman Co., Biglerville, Pa., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25221. Adulteration of canned tomato puree. U. S. v. 854 Cases of Tomato Puree. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35574. Sample no. 33116–B.)

This case involved tomato puree which contained evidence of worm and insect infestation.

On May 29, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 854 cases of tomato puree at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16, 1935, by the Eddington Canning Co., from Springville, Utah, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 19, 1935, the Eddington Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated under the supervision of this Department and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25222. Adulteration of tomato catsup. U. S. v. 90 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. no. 35353. Sample no. 32948–B.)

This case involved tomato catsup which contained excessive mold.

On April 8, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of tomato catsup at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about September 28, 1934, by the Harbauer Co., from Toledo, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. B. C. Brand Tomato Catsup * * * Packed for Raymond Bros. Clarke Co. Lincoln Scottsbluff, Nebraska."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On November 22, 1935, the case having been called and the sole intervenor having failed to appear, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25223. Adulteration of canned shrimp. U. S. v. 473 Cases of Canned Shrimp. Portion of product condemned and destroyed; remainder released. (F. & D. no. 34212. Sample nos. 14487–B, 14488–B, 14489–B.)

This case involved canned shrimp which was in part decomposed.

On October 30, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 473 cases of canned shrimp at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 11, 1934, by the Berwick Bay Canneries, Inc., from Berwick, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Berwick Bay Brand [or "Eugene Island Brand" or "Deep C Brand"] Shrimp * * * Louisiana Oyster & Fish Co. Inc. Berwick, La."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 30, 1935, judgment was entered ordering that 270 cases of the product, labeled "Berwick Bay Brand", be condemned and destroyed. Examination having shown that the remainder of the product was not in violation of the law, the decree ordered that it be released to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25224. Adulteration of butter. U. S. v. 113 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 35716. Sample nos. 22599–B, 22603–B, 22605–B, 22612–B.)

This case involved shipments of butter, samples of which were found to contain mold, hairs, fragments of insects, and other extraneous matter.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments, on or about May 14, 21, 23, and 27, 1935, by the West Creamery, from West, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 8 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25225. Adulteration and misbranding of soup dainties. U. S. v. 7½ Cases of Soup Dainties. Default decree of condemnation and destruction. (F. & D. no. 35579. Sample no. 30626–B.)

This product was sold as hygienic pastina (alimentary paste) and was adulterated with soybean flour and added coloring.

On May 31, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven and one-half cases of soup dainties at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 6, 1935, by the Ronzoni Macaroni Co., Inc., from Long Island City, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part "Ronzoni Soup Dainties * * *. Ronzoni Macaroni Co., Inc. Long Island City, New York."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for "Hygienic Pastina", namely, alimentary paste, which the article purported to be, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of alimentary paste, soybean flour, and added coloring matter, which was represented to be hygienic pastina: "Made from golden grains of wheat and other nourishing ingredients rich in proteins, carbohydrates, minerals and all the vitamins especially A, B and D No artificial color used This certifies that the Ronzoni Macaroni Co., Inc., has manufactured the contents of this package from the golden grains of wheat and other nourishing ingredients rich in proteins, carbohydrates, minerals, vitamins." Misbranding was alleged for the further reason that the article was offered for sale under the name of another article "Hygienic Pastina", namely, alimentary paste made from the same kind of dough as macaroni, uncolored.

On October 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25226. Misbranding of potatoes. U. S. v. Owens Farm Co. Plea of guilty. Fine, $5. (F. & D. no. 34081. Sample nos. 18853–B, 18854–B.)

This case was based on an interstate shipment of potatoes which were below the grade declared on the label.

On August 13, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Owens Farm Co., a corporation, Wild

Rose, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1934, from the State of Wisconsin into the State of Kentucky of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "Potatoes U. S. Grade No. 1."

The article was alleged to be misbranded in that the statement, "Potatoes U. S. Grade No. 1", borne on the tag, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist of U. S. Grade No. 1 potatoes but did consist of a lower grade.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $5.

W. R. Gregg, *Acting Secretary of Agriculture.*

25227. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, $100 and costs. (F. & D. no. 34072. Sample nos. 71236–A, 661–B.)

This case involved butter, a part of which was deficient in milk fat and a part of which was short in weight.

On July 6, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Tacoma, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 9, 1934, from Tacoma, Wash., to Alaska, of a quantity of butter which was adulterated and misbranded. The information further alleged that on or about June 9, 1934, Swift & Co. sold a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that the said butter had been shipped by the purchaser thereof, the Tacoma Grocery Co., of Tacoma, Wash., on or about June 9, 1934, to Alaska; that it was misbranded in violation of the Food and Drugs Act as amended, and that Swift & Co., the defendant herein, was amenable to prosecution for the violation of the law which would, but for said guaranty, have attached to the shipper. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter * * * Swift & Company * * * Chicago."

The information alleged that a portion of the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923, which the article purported to be.

Misbranding of the said portion was alleged for the reason that the statement "butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since said statement represented that the article was butter as defined by law; whereas it was not butter as defined by law, but was a product containing less than 80 percent by weight of milk fat.

Misbranding was alleged with respect to the remainder of the product for the reason that the statement "1 Lb. Net Weight", borne on the packages, was false and misleading; for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages did not each contain 1 pound of the article, but did contain in each of a large number of packages, less than 1 pound; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25228. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, $900. (F. & D. no. 34061. Sample nos. 73852–A, 73855–A, 73857–A.)

This case was based on an interstate shipment of butter which was short in weight.

On July 18, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about June 23, 1934, and in part on or about June 28, 1934, from the State of Oregon into the State of Washington, of quantities of

butter which was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Butter * * * 1 lb. net weight * * * Swift & Company * * * Chicago."

The article was alleged to be misbranded in that the statement, "1 Lb. Net Weight", borne on the labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On December 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $900.

W. R. Gregg, *Acting Secretary of Agriculture.*

25229. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fines, $300 on each of three counts. Fines suspended on all counts but first. (F. & D. no. 34067. Sample nos. 73386–A, 73387–A.)

This case was based on a shipment of butter which was short in weight.

On July 22, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 11, 1934, from the State of Washington to Alaska, of quantities of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter * * * Swift & Company Chicago, U. S. A."

The article was alleged to be misbranded in that the statement, "1 lb. Net Weight", borne on the labels, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 30, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $300 on each count of the information. Payment of fines was suspended for 5 years on all counts but the first.

W. R. Gregg, *Acting Secretary of Agriculture.*

25230. Adulteration of dressed chickens. U. S. v. 6 Barrels of Dressed Chickens. Default decree of condemnation and destruction. (F. & D. no. 35763. Sample no. 33550–B.)

This case involved a shipment of dressed chickens, samples of which were found to be decomposed.

On July 15, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1935, by M. J. Goodrich, from Strawberry Point, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25231. Adulteration of canned tuna. U. S. v. 100 Cases of Canned Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 35774. Sample no. 15537–B.)

This case involved a shipment of canned tuna which was in part decomposed.

On or about August 6, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tuna at Albany, N. Y., alleging that the article had been shipped in

interstate commerce on or about July 1, 1935, by the French Sardine Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Belle Isle Fancy Solid Pack Tuna * * * Packed * * * by French Sardine Co., Inc. Terminal Island California."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1935, the French Sardine Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25232. Adulteration of huckleberries. U. S. v. 23 Crates, et al., of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36288. Sample no. 23769–B.)

This case involved a shipment of huckleberries which contained excessive numbers of maggots.

On August 16, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 crates of huckleberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1935, by Walter W. Bliss, from Peckville, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25233. Misbranding of potatoes. U. S. v. Louis Markman. Plea of nolo contendere. Fine, $10 and costs. (F. & D. no. 32141. Sample no. 39025–A.)

This case was based on an interstate shipment of potatoes which were short weight.

On July 10, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Markman, Des Moines, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 25, 1933, from Lockport, La., through Kansas City, Mo., into the State of Iowa and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Unclassified Selected Potatoes 100 pounds When Packed Markman Produce Co. Des Moines, Iowa."

The article was alleged to be misbranded in that the statement on the label, "100 Pounds When Packed", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the sacks did not each contain 100 pounds of the article but did contain a lesser amount.

On November 27, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $10 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25234. Adulteration and misbranding of preserves. U. S. v. National Kream Co., Inc. Plea of guilty. Fine, $25 on each of seven counts ($175). Fine of $200 on each of remaining five counts suspended. (F. & D. nos. 31452, 34014. Sample nos. 9341–A, 9344–A, 52208–A, 52209–A, 52212–A, 52342–A, 52344–A, 52347–A, 66969–A, 66970–A, 66971–A, 67128–A, 67131–A.)

This case was based on shipments of various preserves which contained less fruit and more sugar than preserves should contain, the inferiority of the products being concealed by added pectin and tartaric acid.

On June 7, 1935, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against the National Kream Co., Inc., of Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, in part under its own name and in part under the name of and through the agency of its subsidiary, the Avondale Preserve Co., Inc., on or about June 15, 1932, from the State of New York into the State of Rhode Island, on or about October 31 and December 26, 1933, and February 23, 1934, from the State of New York

into the State of New Jersey; and on or about January 19, 1934, from the State of New York into the State of Connecticut of quantities of preserves which were adulterated and misbranded. The articles were labeled, variously: "Filagree Brand Pure Raspberry [or "Strawberry" or "Blackberry"] Preserves * * * Packed for Hudson Wholesale Grocery Co. Jersey City, N. J. Scotch Lassie Pure Loganberry [or "Blackberry" or "Raspberry"] Preserves * * * Avondale Preserve Co. Inc. New York. National Pure Preserve Loganberry [or "Strawberry", "Raspberry", "Cherry", or "Apricot] * * * Manufactured by National Kream Co. Inc. New York, N. Y."

The articles were alleged to be adulterated in that substances, i. e., excess sugar, added undeclared pectin, added undeclared tartaric acid, and in some instances excess moisture, i. e., water which should have been removed in the process of manufacture, had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that products containing added pectin, added tartaric acid, and more sugar and less fruit than is contained in pure fruit preserves and, in certain instances, containing excess moisture had been substituted for the said articles. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves", "Pure Strawberry Preserves", "Pure Blackberry Preserves", "Pure Loganberry Preserves", "Pure Preserve Loganberry", "Pure Preserve Strawberry", "Pure Preserve Raspberry", "Pure Preserve Cherry", and "Pure Preserve Apricot", borne on the labels, were false and misleading and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser since they were not pure fruit preserves but were products containing undeclared pectin, undeclared tartaric acid, excess sugar, and less fruit than pure fruit preserves contain. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On November 26, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed fines totaling $175 on certain counts of the information. Fines of $200 imposed on each of the remaining five counts of the information were ordered suspended.

W. R. Gregg, *Acting Secretary of Agriculture.*

25235. Adulteration of olives. U. S. v. 50 Barrels of Olives. Default decree of condemnation and destruction. (F. & D. no. 35397. Sample no. 12953–B.)

This case involved a shipment of olives which were in large part moldy.

On April 22, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 barrels of olives at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 19, 1935, by the V. R. Smith Olive Co., Lindsay, Calif., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From V. R. Smith Olive Co., Lindsay, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 7, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25236. Adulteration of packing-stock butter. U. S. v. 5 Tubs of Packing-Stock Butter. Default decree of condemnation and destruction. (F. & D. no. 35785. Sample no. 33635–B.)

This case involved a shipment of packing-stock butter which contained less than 80 percent of milk fat.

On July 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five tubs of packing-stock butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, 1935, by the Gateway Farmers Creamery Co., from LaCrosse, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product

which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25237. Misbranding of cottonseed screenings. U. S. v. Humphreys-Godwin Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 35895. Sample no. 27407–B.)

This case was based on a shipment of cottonseed screenings that contained less protein than declared on the label.

On October 14, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Humphreys-Godwin Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act on or about November 1, 1934, from the State of Tennessee into the State of Kansas, of a quantity of cottonseed screenings which were misbranded. The product was invoiced as "41% cottonseed segs" and was labeled in part: "41% Protein-Prime Quality Dixie Brand—100 lbs. net Guaranteed Analysis Min. Protein 41% * * * Guaranteed by Humphreys-Godwin Co., Memphis, Tenn."

The article was alleged to be misbranded in that the statements, "41% Protein * * * Guaranteed Analysis Min. Protein 41%", borne on the tags attached to the bags containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 41 percent of protein.

On December 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25238. Misbranding of cottonseed meal. U. S. v. Missouri Cotton Oil Co. Plea of guilty. Fine, $150 and costs. (F. & D. no. 35893. Sample no. 27409–B.)

This case was based on a shipment of cottonseed meal which was short in weight.

On July 22, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Missouri Cotton Oil Co., Cairo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 16, 1934, from the State of Illinois into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "100 Pounds Net * * * Manufactured For Feeders Supply and Mfg. Co. * * Kansas City, Mo."

The article was alleged to be misbranded in that the statement "100 Pounds Net", borne on the tag attached to the sack containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the sacks did not contain 100 pounds of the article, but did contain in the greater number thereof less than 100 pounds.

On October 9, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $150 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

25239. Adulteration of canned peaches. U. S. v. Roberts Bros., Inc. Plea of guilty. Fine, $100. (F. & D. no. 35891. Sample nos. 3919–B, 3920–B, 4046–B, 4221–B, 11390–B, 16407–B, 18849–B, 18850–B, 27834–B.)

This case was based on an interstate shipment of canned peaches, samples of which were found to be wormy and worm-eaten.

On November 6, 1935, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roberts Bros. Inc., trading at Americus, Ga., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, July 12, July 21, July 24, and August 1, 1934, from the State of Georgia into the States of Texas, Louisiana, and Tennessee, of quantities of canned peaches which were adulterated. The article was labeled in part: "Indian Hunter Brand * * * Peaches * * * Distributed by Roberts Bros. Inc. Main Office Baltimore, Md."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 29, 1935, a plea of guilty was entered on behalf of the defendant company and on December 2, 1935, the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25240. Adulteration of tomato pulp and tomato puree. U. S. v. Paul W. Funderburg (Summitville Canning Co.). Plea of guilty. Fine, $25. (F. & D. no. 35892. Sample nos. 25488–B, 25540–B, 25541–B, 25542–B.)

This case was based on shipments of tomato pulp and tomato puree that contained excessive mold.

On October 2, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul W. Funderburg, trading as the Summitville Canning Co., Summitville, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 5, 9, 10, and 16, 1934, from the State of Indiana into the State of Illinois, of quantities of tomato pulp and tomato puree which were adulterated. The puree was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed By Sprague, Warner & Company, Chicago, Ill." The pulp was unlabeled.

The articles were alleged to be adulterated in that they consisted in part of a decomposed vegetable substance.

On October 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25241. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 66 Cases of Canned Turnip Greens and 59 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. & D. nos. 35842, 35843. Sample nos. 10289–B, 10290–B.)

This case involved canned turnip and mustard greens which were found to be infested with worms and insects.

On August 7, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of canned turnip greens and 59 cases of canned mustard greens at Abilene, Tex., alleging that the articles had been shipped in interstate commerce on or about June 7, 1935, by the Greathouse Canning Co., from Fayetteville, Ark., and charging adulteration and violation of the Food and Drugs Act. The articles were labeled in part: "Mayfair Turnip [or "Mustard"] Greens * * * packed for Central Canners, Inc., Fayetteville, Ark."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On November 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25242. Adulteration of canned tuna. U. S. v. 842 Cases of Canned Tuna. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 35359. Sample nos. 11430–B, 15723–B.)

This case involved a shipment of canned tuna which was in part decomposed.

On April 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 842 cases of canned tuna at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 8, 1935, by the Van Camp Sea Food Co., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Star Brand California Fancy Chicken of the Sea Tuna Fish * * * packed and guaranteed by White Star Canning Co. Los Angeles Harbor, Calif. Division of Van Camp Sea Food Co., Inc."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 19, 1935, the Van Camp Sea Food Co., Inc., the claimant, having admitted that the product was in part adulterated and consisted in part of a decomposed animal substance, but asserting that such adulterated portion could

be separated from the portion suitable for consumption as food, a decree was entered ordering that the product be released under bond conditioned that all portions unfit for consumption as food be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25243. Adulteration of tomato puree. U. S. v. Henryville Canning Co. Plea of guilty. Fine, $25. (F. & D. no. 34082. Sample nos. 3285–B, 19602–B, 19603–B, 19644–B.)

This case was based on shipments of canned tomato puree that contained excessive mold.

On September 5, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Henryville Canning Co., a corporation, Henryville, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 3, 7, 10 and 18, 1934, from the State of Indiana into the State of Ohio, and on or about September 15, October 6 and October 17, 1934, from the State of Indiana into the State of Kentucky of quantities of tomato puree which was adulterated.

The article was labeled in part, variously: "Crystal Springs Brand * * * Tomato Puree Packed by Henryville Canning Co., Inc. Henryville, Ind."; "Henryville Brand Tomato Puree Henryville Canning Co., Henryville, Indiana"; "Park View Brand Tomato Puree * * * Distributed by The Burke Grocery Co. Cincinnati, O."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On October 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

25244. Adulteration of tomato sauce and tomato catsup. U. S. v. 49 Cases and 99 Cases of Tomato Sauce and 31 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35836, 35840. Sample nos. 26875–B, 26876–B, 37246–B.)

These cases involved tomato sauce and tomato catsup that contained filth resulting from worm infestation.

On or about July 31 and August 8, 1935, the United States attorneys for the Southern District of Florida and the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 31 cases of tomato catsup at Miami, Fla., and 148 cases of tomato sauce at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about April 5 and July 9, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration and violation of the Food and Drugs Act. The catsup was labeled in part: "Sea Rock Brand Tomato Catsup * * * Packed by Santa Cruz Fruit Packing Company Oakland California." The sauce was labeled in part: "'For All' Brand" or ["New Day"] Tomato Sauce * * * Harcourt-Greene Co. Distributors San Francisco, Calif."

The articles were alleged to be adulterated in that they consisted wholly or in part of a filthy or decomposed vegetable substance.

On October 5 and December 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25245. Misbranding of canned tomatoes. U. S. v. 1,460 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 35834. Sample no. 39590–B.)

This case involved a shipment of canned tomatoes which were substandard and were not labeled to indicate that fact.

On July 31, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,460 cases of canned tomatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 4, 1935, by the Columbus Foods Corporation, from McAllen, Tex., and charging violation of the Food and Drugs Act as amended.

The article was labeled in part: "Blue Bonnet Brand Tomatoes * * * Packed at McAllen, Texas * * * by Columbus Foods Corporation General Office Columbus, Wis."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole pieces, it was not normally colored and was not peeled, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On December 7, 1935, the Columbus Foods Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25246. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35696. Sample no. 33928–B.)

This case involved a product which contained filth resulting from worm infestation.

On July 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Hershel California Fruit Products Co., from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Contadina Brand Tomato Paste * * * Packed by Hershel California Fruit Products Company San Jose, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25247. Adulteration of tomato catsup. U. S. v. 208 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35756. Sample nos. 37939–B, 37940–B.)

This case involved a shipment of tomato catsup, samples of which were found to be infested with worms and insects.

On July 11, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 cases of tomato catsup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the National Grocery Co., from Oakland, Calif., and charging adulteration and violation of the Food and Drugs Act. The article was labeled in part: "Expo Brand Catsup Packed for National Grocery Co. Seattle Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

25248. Adulteration and misbranding of butter. U. S. v. Toulon Milk Products Co. Plea of guilty. Fine, $100. (F. & D. no. 35975. Sample no. 31959–B.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On September 9, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Toulon Milk Products Co., a corporation, Toulon, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 18, 1935, from the State of Illinois into the State of Wisconsin of a quantity of butter which was adulterated and misbranded. The article was labeled in part: [Print] "Swift's Premium Quality Brookfield Butter * * * Distributed by Swift & Company."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter as defined by law.

On December 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

25249. Misbranding of olive oil. U. S. v. 13 Cases and 46 Cases of Olive Oil. Decree of condemnation. Product released under bond. (F. & D. no. 35766. Sample nos. 15542–B, 15543–B.)

Samples of olive oil taken from this shipment were found to contain less than the labeled volume. The declaration of the quantity of the contents borne on the labels was ambiguous.

On July 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 11, 1935, by the Barcelona Sales Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Barcelona Pure Virgin Olive Oil * * * The Barcelona Company * * * 3 oz. [or 1.6 oz.]."

The article was alleged to be misbranded in that the statements on the labels, "3 oz." and "1.6 oz. guaranty * * * Full Measure Furnished to Dealers", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements were incorrect and were ambiguous, in that they did not indicate whether they were weight or measure.

On September 28, 1935, the Barcelona Sales Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25250. Adulteration of butter. U. S. v. 18 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36386. Sample no. 30570–B.)

This case invloved butter that contained excessive mold.

On August 30, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1935, by the Culpeper Creamery, from Culpeper, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. L. Poole & Co., New York, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On September 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S GOVERNMENT PRINTING OFFICE: 1936

N. J., F. D. 25251–25375 Issued August 1936

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25251–25375

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 9, 1936]

25251. Adulteration of frozen canned eggs. U. S. v. The Fairmont Creamery Co. Plea of nolo contendere. Fine, $10 and costs. (F. & D. no. 27460. I. S. no. 28343.)

This case was based on an interstate shipment of frozen canned eggs which were in part filthy, decomposed, or putrid.

On July 9, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation, Crete, Nebr., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about March 14, 1931, from the State of Nebraska into the State of New York, of a quantity of frozen canned eggs which were adulterated. The article was labeled in part: "Fancy Fairmont's Fresh Frozen Eggs Net Weight 30 Lbs. Packed by The Fairmont Creamery Co., General Offices, Omaha, Nebr. Whole Eggs (Mixed) 272 (or 273)."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 22, 1935, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of $10 and costs.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25252. Adulteration and misbranding of artichoke hearts packed in oil. U. S. v. A. Giurlani & Bro. Plea of guilty. Fine, $100. (F. & D. no. 30340. Sample nos. 172–A, 1638–A.)

This case was based on a shipment of artichoke hearts packed in oil, which were represented on the label as packed in Italian olive oil; whereas they were packed in Spanish olive oil.

On November 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. Giurlani & Bro., a corporation, San Francisco, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about May 27, 1932, from the State of California into the State of Oregon, of a quantity of artichoke hearts packed in oil which were adulterated and misbranded. The article was contained in jars labeled: "Star Brand California Artichoke Hearts Packed in Star Olive Oil 'Finest imported from Italy' Net Weight 4 Ounces A. Giurlani & Bro. San Francisco, California."

The article was alleged to be adulterated in that a product, artichoke hearts packed in Spanish olive oil, had been substituted for artichoke hearts packed in Italian olive oil, which the article purported to be.

The article was alleged to be misbranded in that the statement, "Packed in Star Olive Oil Finest imported from Italy", borne on the label, was false and misleading, and in that by reason of said statement, the article was labeled and branded so as to deceive and mislead the purchaser, since the said statement represented that the oil in which the said article was packed was produced in Italy from olives grown therein; whereas in fact it was oil produced in Spain from olives grown therein.

In November 30, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $100.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25253. Adulteration and misbranding of apple jelly, and misbranding of apple butter. U. S. v. Albert Burker and Charles E. H. Brown (Waynesboro Fruit Exchange). Pleas of guilty. Fines, $37.50 against each of the two defendants. (F. & D. no. 31530. Sample nos. 26444–A, 36445–A, 26446–A, 26447–A, 30163–A, 30230–A, 30231–A, 30232–A, 30419–A.)

This case was based (1) on interstate shipments of a product which was labeled as "apple jelly currant [or raspberry or strawberry] flavored"; whereas it was in fact an imitation currant, raspberry, or strawberry jelly artificially flavored; and (2) interstate shipments of apple butter, the packages of which were short in weight.

On September 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting on a report by the Secretary of Agriculture, filed in the district court an information against Albert Burker and Charles E. H. Brown, trading as the Waynesboro Fruit Exchange, Waynesboro, Pa., charging shipment by said defendants in violation of the Food and Drugs Act, from the State of Pennsylvania into the State of Maryland, on or about November 11, 1932, and January 6 and February 2 and 10, 1933, of quantities of an article, labeled as apple jelly, which was adulterated and misbranded; and on or about February 2, 10, and 13, 1933, of quantities of apple butter which was misbranded. The so-called apple jelly, contained in jars, was labeled, variously: "Eclipse Brand Contents 5 oz. [or "4½ oz."] Apple Jelly Currant [or "Raspberry", or "Strawberry"] Flavored [or "Flavor"] Artificially Colored Waynesboro Fruit Exchange Waynesboro, Pa." The apple butter, contained in jars, was labeled: "Eclipse Brand Contents 16 oz. Pure Apple Butter Made from Fresh Washed Apples, Pure Apple Cider, Sugar and Spices. Waynesboro Fruit Exchange Waynesboro, Pa."

It was alleged that the so-called apple jelly was adulterated (1) in that an imitation currant, raspberry, or strawberry jelly artificially flavored and artificially colored had been substituted for apple jelly currant-, raspberry-, or strawberry-flavored, which the article purported to be; and (2) in that it was an article inferior to apple jelly currant-, raspberry-, or strawberry-flavored, being an imitation currant, raspberry, or strawberry jelly artificially flavored and artificially colored with a coal-tar dye or dyes, so as to simulate the taste and appearance of apple jelly currant-, raspberry-, or strawberry-flavored, and in a manner whereby its inferiority to apple jelly currant-, raspberry-, or strawberry-flavored was concealed. Misbranding of the so-called apple jelly was charged in that the statement, "Apple Jelly Currant [or "Raspberry" or "Strawberry"] Flavored [or "Flavor"]", borne on the labels on the jars, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive or mislead the purchaser, since the statement represented that the article was apple jelly currant-, or raspberry-, or strawberry-flavored; whereas in fact it was not apple jelly currant-, or raspberry-, or strawberry-flavored, but was an imitation currant, raspberry, or strawberry jelly artificially flavored; and (3) in that the article was a mixture prepared in imitation of apple jelly currant-, or raspberry-, or strawberry-flavored and was offered for sale and sold under the name of another article, namely, "apple jelly currant [or raspberry or strawberry] flavored."

It was alleged that the apple butter was misbranded in that the statement "Contents 16 oz.", borne on the labels, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the contents of the jars contained less than 16 ounces of the article.

On October 18, 1934, the defendants entered pleas of guilty to the information and the court imposed a fine of $37.50 on each of the two defendants.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25254. Misbranding of canned peas. U. S. v. Crites Milling Co. Plea of guilty. Fine, $10. (F. & D. no. 32122. Sample no. 42373–A.)

This case was based on an interstate shipment of canned peas which were represented on the labels as sugar peas, when they were in fact Alaska peas of low standard of quality.

On June 7, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Crites Milling Co., a corporation, Circleville, Ohio, charging shipment by said corporation, in violation of the Food and Drugs Act, on or about June 26, 1933, from the State of Ohio into the State of Indiana, of a quantity of canned peas which were misbranded. The article was

labeled in part: "Merrit Brand [design of cluster of peas in pod] Sugar Peas Contents 1 Lb. 1 Oz. Packed for A. H. Perfect & Co. The Eavy Co. Ft. Wayne, Richmond, Huntington, Ind. Xenia, Ohio. Sturgis, Mich."

The article was alleged to be misbranded in that the statement "Sugar Peas", borne on the labels, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article was sugar peas, that is, sweet peas; whereas it was in fact not such a product but was the Alaska variety of peas of low standard of quality.

On December 3, 1935, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of $10.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25255. Adulteration and misbranding of olive oil. U. S. v. Delizia Olive Oil Co., Inc., and Salvatore Esposito and Raymond Muscarella. Pleas of guilty. Fine of $1,200 suspended. (F. & D. no. 32206. Sample nos. 43647–A, 43649–A, 51303–A, 51326–A.)

This case was based on interstate shipments of an article which purported to be olive oil, but which consisted chiefly of cottonseed oil, and the packages of which were short in volume.

On October 24, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delizia Olive Oil Co., a corporation, New York, N. Y., and Salvatore Esposito and Raymond Muscarella, officers and agents of said corporation, charging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 17, August 2, August 8, and October 9, 1933, from the State of New York into the State of New Jersey, of quantities of an article contained in cans, consisting chiefly of cottonseed oil, which was adulterated and misbranded. The article in the shipments of July 17, August 2, and August 8, 1933, were labeled in part: "One Gallon Net Olio Finissimo Guarantito La Deliziosa Brand Premiato All' Esposizione Di Roma 1924 Italia This Delicious Oil is Recommended for Sauce, Frying, Kitchen and Table Use Vegetable Oil ES [designs of olive branches and of medals bearing likeness of King Emanuel III of Italy]." The article in the shipment of October 9, 1933, was labeled in part: "One Gallon Olio Extra Fino Guarantito Farfariello Brand Olio Fino [design of olive branches] Packed by Delizia Olive Oil Inc. Premiato All' Esposizione Di Roma 1924 Italia High grade vegetable oil with flavor. Farfariello Brand This Delicious Oil is Recommended for Frying, Kitchen Sauce and Table Use Quest' Olio Delizioso e Raccomandato Speciaimente per Fritture, Tavola, Salse e per Tutti gli Usi di Cucina. D O O Inc."

The article in all four of the shipments was alleged to be adulterated in that a product consisting chiefly of cottonseed oil had been substituted for olive oil which the article purported to be; and in that a substance, cottonseed oil, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality.

The article in all four of the shipments was alleged to be misbranded in that, consisting almost wholly of cottonseed oil, it was an imitation of another article, olive oil, which it purported to be. It was alleged that the article in three of the four shipments, namely, those of July 17, August 2, and August 8, 1933, was misbranded in that the statements, "Olio Finissimo. Guarantito La Deliziosa Brand Premiato All' Esposizione Di Roma 1924 Italia", together with designs of olive branches and designs of medals bearing the likeness of King Emanuel III of Italy, borne on the label, were false and misleading, and by reason of said statements and designs the article was labeled and branded so as to deceive and mislead the purchaser, since the statements and designs represented that the article consisted solely of olive oil produced in and imported from Italy; whereas in fact the article consisted almost wholly of cottonseed oil. It was alleged that the article in one of the four shipments, namely, that of October 9, 1933, was misbranded in that the statements, "Olio Extra Fino Guarantito Farfariello * * * Delizia Olive Oil * * * Premiato All' Esposizione Di Roma 1924 Italia", together with designs of olive branches, borne on the label, were false and misleading, and by reason of said statements and designs the article was labeled and branded so as to deceive and mislead the purchaser, since the statements and designs represented that the article consisted solely of olive oil produced and imported

from Italy; whereas in fact the article consisted almost wholly of cottonseed oil.

The article in three of the four shipments, namely, those of July 17, August 2, and October 9, 1933, was alleged to be misbranded in the following respects: (1) In that the statement "One Gallon", borne on the label, was false and misleading, and by reason of said statement the article was labeled and branded so as to deceive and mislead the purchaser, since the statement represented that the cans each contained 1 gallon of the article; whereas in fact each or nearly all of the cans examined contained less than 1 gallon of the article; and (2) in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents in each of the cans was less than 1 gallon.

On November 14, 1935, the three defendants entered pleas of gulity and the court imposed a fine of $400 on each, payment of the fines being suspended on condition that defendants should not again violate the Food and Drugs Act within 5 years.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25256. Adulteration and misbranding of olive oil. U. S. v. H. J. Staiti, Inc., Plea of guilty. Fine, $90. (F. & D. no. 32216. Sample nos. 51317–A, 51319–A.)

This case was based on interstate shipments of an article which purported to be olive oil, but which consisted almost wholly of cottonseed oil, and the packages of which were short in volume.

On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. J. Staiti, Inc., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about August 31 and September 6, 1933, from the State of New York into the State of New Jersey, of quantities of an article contained in cases, purporting to be olive oil, which was adulterated and misbranded. The article was labeled: "La Vergine Brand Finest Quality Oil [design of woman holding jug of oil by olive tree in foreground of a foreign-appearing village] Lucca. Net Contents One Gallon Qualita Extra Fina Insuperabile Per Tavola, Cucina Etc. Extra Fine Quality Oil Insuperable For Table, Cooking, Etc."

The article was alleged to be adulterated in that a substance, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; and in that a product consisting almost wholly of cottonseed oil had been substituted for olive oil which the article purported to be.

The article was alleged to be misbranded in that the statements, "La Vergine Brand Finest Quality Oil Lucca Qualita Extra Fina Insuperabile Per Tavola, Cucina, Etc.", together with the design of a woman holding a jug of oil by an olive tree in the foreground of a foreign-appearing village, appearing on the label, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was olive oil produced in a foreign country; whereas in fact it consisted almost wholly of domestic cottonseed oil. Misbranding of the article was alleged further in that it was an imitation of another article, namely, olive oil which it purported to be; and in that the statement "Net Contents One Gallon", appearing on the label, was false and misleading, and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that each of the cans contained 1 gallon of the article, whereas in fact each of the cans contained less than 1 gallon thereof; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the package, since the statement made was incorrect.

On October 3, 1935, a plea of guilty was entered on behalf of defendant corporation and a fine of $90 was imposed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25257. Adulteration and misbranding of whisky. U. S. v. 10 Cases of Whisky. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 32243. Sample no. 68194–A.)

This case involved an interstate shipment of whisky which contained added alcohol.

On March 6, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of whisky at Medford, Mass., alleging that the article had been shipped in interstate commerce on or about January 22, 1934, by Joseph Beck Sons, Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whisky A Blend."

The article was alleged to be adulterated in that alcohol had been mixed and packed with the article so as to reduce and lower its quality; in that alcohol had been substituted wholly or in part for the article; and in that it was mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Old Scotch Whiskey" and the design of a bust of a Scotchman in native garb, appearing on the label, were false and misleading and tended to deceive and mislead the purchaser; and in that it was offered for sale under the distinctive name of another article, namely, "Old Scotch Whiskey."

On November 6, 1935, Pietro Patalano, Medford, Mass., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25258. Adulteration of walnut meats. U. S. v. Fred L. Mitchell. Defendant found guilty. Fine, $25. (F. & D. no. 32881. Sample no. 38362–A.)

This case was based on an interstate shipment of walnut meats which were in part wormy, moldy, and rancid.

On August 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed an information against Fred L. Mitchell, Santa Ana, Calif., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 2, 1934, from the State of California into the State of Oregon, of a quantity of walnut meats which were adulterated. The article was labeled in part: "Pennant Brand California Walnuts Ambers Net 50 Lbs. When Packed."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On November 26, 1935, the defendant, on trial to the court after waiver of jury, was found guilty and a fine of $25 was imposed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25259. Adulteration of walnut meats. U. S. v. Leslie C. Mitchell. Defendant found guilty. Fine of $25 suspended. (F. & D. no. 32883. Sample no. 41976–A.)

This case was based on an interstate shipment of walnut meats which were in part wormy, moldy, and rancid.

On August 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leslie C. Mitchell, Santa Ana, Calif., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 28, 1933, from the State of California into the State of Montana, of a quantity of walnut meats which were adulterated. The article was labeled: "Walnut Meats 25 Lbs. Net Weight When Packed."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On November 26, 1935, the defendant on trial to the court after waiver of jury, was found guilty and a fine of $25 was imposed, which was suspended due to impending bankruptcy of defendant.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25260. Adulteration of tomato puree. U. S. v. 138 Cases, et al., of Eagle Brand Tomato Puree. Consent decree of condemnation and destruction. (F. & D. nos. 32995, 32996, 32997, 32998. Samples nos. 66358–A, 66359–A, 66361–A, 66362–A.)

These cases involved interstate shipments of tomato puree which was moldy and in whole or in part decomposed.

On June 26, 1935, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 426 cans of tomato puree at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about December 23, 1933, and February 24 and March 10, 1934, by Angelo Glorioso, from New Orleans, La., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree color added. Contents 4¾ ozs. net."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On October 14, 1935, Angelo Glorioso having appeared as claimant and having admitted the allegations of the libels and consented to decrees, judgments of condemnation and forfeiture were entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25261. Adulteration and misbranding of butter. U. S. v. Wilson E. Harris (Hoosier State Creamery). Plea of guilty. Fine, $5 and costs. (F. & D. no. 33766. Sample nos. 64367–A, 64371–A, 64372–A.)

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat, and the packages of which were short in weight.

On October 17, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wilson E. Harris, trading as Hoosier State Creamery, Rensselaer, Ind., charging shipment by said defendant in violation of the Food and Drugs Act, on or about February 15 and 26, 1934, from the State of Indiana into the State of Illinois, of quantities of butter which was adulterated and misbranded. The article was labeled: "Hoosier Maid Butter One Pound Net * * * 'Hoosier Maid' Butter is the finest that skill and modern methods can produce from select cream and is guaranteed to give satisfaction if kept in a cool place away from meats and vegetables Churned and Distributed by Hoosier State Creamery, Rensselaer, Indiana."

The article was alleged to be adulterated in that a product deficient in milk fat, that is, containing less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the article was alleged in that the statements, "Butter" and "One Pound Net", borne on the packages, were false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser, since the statements, respectively, represented that the article was butter, that is, a product containing not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, and that the packages each contained 1 pound of the article; whereas in fact the article contained less than 80 percent by weight of milk fat, and each or nearly all of the packages contained less than 1 pound of the article. Misbranding of the article was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each or nearly all of the packages was less than 1 pound, the amount stated thereon.

On November 26, 1935, the defendant entered a plea of guilty and the court imposed a fine of $5 and costs.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25262. Adulteration of apples. U. S. v. Carl P. Helenbolt. Plea of guilty. Fine, $50. (F. & D. no. 33855. Sample no. 50502–A.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On October 28, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Carl P. Helenbolt, a member of a partnership trading as J. J. Jackson & Son, Middleport, N. Y., alleging shipment by

said defendant in violation of the Food and Drugs Act on or about December 23, 1933, from the State of New York into the State of Ohio of a quantity of apples which were adulterated. The article was labeled in part: "Swift Bros. Middleport, N. Y."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25263. Adulteration of canned prunes; adulteration and misbranding of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, $1,800. (F. & D. no. 33923. Sample nos. 20449–B, 41307–A, 54778–A, 56437–A, 56443–A, 59203–A, 59243–A, 60426–A, 60802–A, 65752–A, 65899–A, 67270–A, 69752–A.)

This case was based on interstate shipments of canned prunes which contained an excessive number of decomposed prunes, and interstate shipments of canned cherries one lot of which contained cherries infested with maggots, and another lot of which the contents of the cans were short in weight.

On May 10, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., charging shipment by said defendant in violation of the Food and Drugs Act, on or about November 8 and December 8, 1933, February 1, 3, and 16, and December 6, 1934, from the State of Oregon into the States of Missouri, Minnesota, New York, and Illinois, of quantities of canned prunes which were adulterated; and on or about February 10 and March 2, 1934, from the State of Oregon into the States of New York and Massachusetts of quantities of canned cherries which, in one of the two consignments thereof were adulterated and in the other consignment were misbranded.

The canned prunes in the several consignments thereof were labeled, respectively, as follows: "May-Flower Brand Trade Mark Fresh Prunes Contents 6 Lbs. 12 Oz. Distributed by Marshall Canning Co. Marshalltown, Iowa."; "Red Tag Choice Fresh Oregon Prunes In Syrup Trade Mark Net Weight 6 Lbs. 4 Ozs. Select Pacific Coast Fruits Paulus Bros. Packing Co. Salem, Oregon, U. S. A."; "Blue Tag Fresh Oregon Prunes In Syrup Net Weight 6 Lbs. 14 Ozs. Select Pacific Coast Fruits Paulus Bros. Packing Co. Salem, Oregon, U. S. A."; "White Tag Fresh Oregon Prunes Net Weight 6 Lbs. 8 Ozs. Select Pacific Coast Fruits Paulus Bros. Packing Co. Salem, Oregon, U. S. A."; "Epicure Brand Food Products are Best Sungle-Sills Co. Distributors New York. Fresh Purple Prunes Contents 6 Lbs. 14 Ozs.—3.12 Kilograms." The canned cherries in two consignments thereof were labeled, respectively: "Republic Food Products Austin, Nichols & Co., Inc. Wholesale Distributors New York, N. Y. U. S. A. Royal Anne Cherries Contents 6 Lbs. 9 Ozs.—2.98 Kilograms."; "Johnson's Reg. U. S. Pat. Off. M. A. Johnson Co. Boston and New York Distributors Bestovall Brand Royal Anne Choice Pitted Cherries Contents 6 Lbs. 14 Ozs."

The canned prunes in all of the consignments thereof were alleged to be adulterated in that they consisted in part of a decomposed vegetable substance.

The canned cherries in one of the two consignments thereof were alleged to be adulterated in that they consisted in part of filthy vegetable and animal substances due to heavy infestation with maggots contained therein. The canned cherries in the second consignment thereof were alleged to be misbranded in that the statement, "Contents 6 Lbs. 14 Oz.", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since said statement represented that each of the cans amounted to 6 pounds 14 ounces, whereas in fact the contents of each of the cans amounted to less than 6 pounds 14 ounces. Misbranding of the canned cherries in the second consignment was alleged further in that they were an article of food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the quantity of the contents of the package was less than that declared thereon.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $1,800.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25264. Misbranding of potatoes. U. S. v. Ernest H. Wilson (E. H. Wilson). Plea of nolo contendere. Defendant placed on probation. (F. & D. no. 33939. Sample no. 69733–A.)

This case was based on an interstate shipment of potatoes which were below the represented grade and standard.

On March 12, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Wilson, trading as E. H. Wilson, Hastings, Fla., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 22, 1934, from the State of Florida into the State of New York, of a quantity of potatoes which were misbranded.

The potatoes, contained in sacks, were alleged to be misbranded in that the statement, "No. 1", borne on the sacks, was false and misleading, and in that by reason of said statement the potatoes were labeled so as to deceive and mislead the purchaser, since the statement represented that the potatoes were No. 1 grade potatoes, that is, meeting the standard required for U. S. No. 1 potatoes," whereas in fact the potatoes were of a lower grade and standard than U. S. No. 1 grade potatoes, on account of grade defects in excess of tolerances permitted for such grade of potatoes.

On October 11, 1935, defendant entered a plea of nolo contendere and the court placed defendant on probation for a period of 1 year.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25265. Adulteration of alfalfa leaf meal. U. S. v. Asa Strait and W. Myrlen Strait (Asa Strait & Son Milling Co.). Plea of guilty. Fine, $50. (F. & D. no. 33955. Sample nos. 19182–A, 19185–A.)

This case was based on interstate shipments of so-called alfalfa leaf meal which consisted in part of alfalfa meal.

On August 10, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Asa Strait and W. Myrlen Strait, trading as Asa Strait & Son Milling Co., Nashville, Mich., charging shipment by said defendants in violation of the Food and Drugs Act, on or about January 11 and March 20, 1934, from the State of Michigan into the State of Indiana, of quantities of alleged alfalfa leaf meal which was adulterated. The article in the two consignments was labeled, respectively, in part as follows: "Wolverine Brand Alfalfa Leaf Meal Guaranteed Analysis 100 Lbs. Net when Packed—Made Principally of Alfalfa Leaves, Crude Protein, 20% * * * Crude Fiber, Not more than 18% * * * Asa Strait & Son Milling Co. Nashville, Mich."; "100 Pounds Net No. 9147–C Alfalfa Leaf Meal * * * Rush City Mills Rushville Ind. Guaranteed Analysis Crude Protein, not less than 20.0% Crude Fiber, not more than 18.0% Ingredients: Alfalfa Leaf Meal."

The article in both of the two consignments was alleged to be adulterated in that a substance, alfalfa meal, had been substituted in part for alfalfa leaf meal which the article purported to be.

On September 14, 1935, the defendants entered pleas of guilty and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25266. Adulteration of tomato puree. U. S. v. Niagara County Preserving Corporation. Plea of guilty. Fine, $100. (F. & D. no. 33983. Sample nos. 12232–A, 62506–A.)

This case was based on an interstate shipment of a quantity of tomato puree which contained mold.

On April 26, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Niagara County Preserving Corporation, a corporation, Wilson, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about February 2, 1934, from the State of New York into the District of Columbia, of a quantity of tomato puree which was adulterated. The article was labeled: "Approval Brand Reg. U. S. Pat. Off. Approval on the Label Means Approval on the Table Quality Guaranteed Tomato Puree Contents 6 Pounds 8 Ounces Distributors M. E. Horton, Inc. Washington, D. C."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid vegetable substance.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25267. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of guilty. Fine, $150. (F. & D. no. 33996. Sample no. 47943–A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat, and the packages of which were short in weight.

On May 15, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 30, 1934, from the State of California into the Territory of Hawaii, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "1 Lb. Net Weight Goldendale Pasteurized Creamery Butter Distributed by Armour Creameries, General Offices, Chicago * * * Goldendale Butter Made in U. S. A."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

The article was alleged to be misbranded in that the statements, "1 Lb. Net Weight" and "Butter", borne on the label, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the quantity of the article in each of the packages was 1 pound net, and that the article was butter; whereas in fact the quantity of the article in each of the packages was less than 1 pound net, and the article was not butter, i. e., a product containing not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, but was a product containing less than 80 percent of milk fat. Misbranding of the article was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages each contained less than 1 pound net, the quantity declared thereon.

On October 26, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $150.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25268. Misbranding of canned spinach. U. S. v. Santa Cruz Fruit Packing Co. Plea of guilty. Fine, $60. (F. & D. no. 34001. Sample nos. 5201–B, 14403–B, 73344–A.)

This case was based on interstate shipments of canned spinach which was short in weight.

On May 15, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Santa Cruz Fruit Packing Co., a corporation, Oakland, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about March 23 and May 2, 1934, from the State of California into the State of Massachusetts, and on or about April 14, 1934, from the State of California into the State of Washington, of quantities of canned spinach which was misbranded. The article in the two consignments first referred to was labeled in part: "Santa Cruz Brand California Spinach. Net Weight 11 Oz. Packed by Santa Cruz Fruit Packing Co." The article in the consignment last referred to was labeled in part: "Santa Cruz Brand Spinach Contents 6 Lb. 4 Oz. Santa Cruz Fruit Packing Co."

It was alleged that the article in the two consignments first referred to was misbranded in that the statement "Net Weight 11 Oz.", borne on the cans, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the quantity of the contents of the cans each was 11 ounces; whereas in fact the quantity of contents of each of the cans was less than 11 ounces.

It was alleged that the article in the consignment last referred to was misbranded in that the statement "Contents 6 Lb. 4 Oz.", borne on the cans, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the quantity of contents of each of the cans was 6 pounds 4 ounces; whereas in fact the quantity of contents of each of the cans was less than 6 pounds 4 ounces. Misbranding of the article in all three of the con-

signments was alleged in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package. since the quantity of the contents of the package, respectively, was less than the amounts respectively stated thereon.

On September 10, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $60.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25269. Misbranding of olive oil. U. S. v. W. A. Taylor & Co. Plea of guilty. Fine, $50. (F. & D. no. 34007. Sample nos. 38878–A, 38882–A, 38883–A, 38887–A, 38889–A, 38891–A.)

This case was based on interstate shipments of olive oil the bottles of which were short in volume.

On July 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. A. Taylor & Co., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 17 and 25, 1934, in three consignments, from the State of New York into the State of California, of quantities of olive oil which was misbranded. The article in one consignment, being in bottles of two sizes, the smaller bottles were labeled: "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York", and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (smaller bottles) "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York"; and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (larger bottles) "Contents 8 fl. oz. Virgilio Imported Pure Virgin Olive Oil [design of olive-bearing branches] Packed by W. A. Taylor & Co. New York"; and the labeling of the smaller bottles was the same as that of the larger ones, except that the statement of contents was "4 fl. oz." instead of "8 fl. oz." The bottles of the article in the third consignment were labeled: "Contents 8 fl. Ozs. Alpi Imported Olive Oil Packed by W. A. Taylor & Co., N. Y. [design of medals] Finest Grade Imported Olive Oil Recommended for table and medicinal uses."

It was alleged that the article in the three consignments was misbranded as follows: In that the statement "Contents 4 oz.", borne on the bottles in one of the two lots in the first consignment, and the statement "Contents 16 oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; in that the statement "Contents 8 fl. oz.", borne on the bottles in one of the two lots in the second consignment, and the statement "4 fl. oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; and in that the statement "Contents 8 Fl. Ozs.", borne on the bottles in the third consignment, were false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the bottles each contained less than the quantity stated. Misbranding of the article in all of the three consignments was alleged further, in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantities stated were incorrect.

On October 7, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25270. Misbranding of canned cherries. U. S. v. Herman W. Ullsperger and Adolph M. Christensen (Onekama Packing Co.). Pleas of guilty. Fines, $50 against each of the two defendants. (F. & D. no. 34011. Sample no. 3426–B.)

This case was based on an interstate shipment of canned cherries which were water-packed and not so labeled.

On August 10, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herman W. Ullsperger and Adolph M. Christensen, trading as Onekama Packing Co., Onekama, Mich., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 26, 1934, from the State of Michigan into the State of Missouri, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Pallas Brand [design showing red, ripe cherries] Contents 1 Lb. 4 oz. Pitted Red Cherries Ridenour Baker Founded 1858 Ridenour-Baker Grocery Co. Distributors Kansas City, Mo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food and the label did not bear the plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard, that is to say, the cherries were packed in water and the cans were not labeled with the statement "Water pack cherries."

On August 15, 1935, the defendants entered pleas of guilty to the information and the court imposed a fine of $50 against each defendant.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25271. Adulteration and misbranding of candy. U. S. v. Willard B. Casterline (Casterline Bros.). Plea of guilty. Fine, $15 and costs. (F. & D. no. 34018. Sample no. 65814–A.)

This case was based on an interstate shipment of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the quantity of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Willard B. Casterline, trading as Casterline Bros., Chicago, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 6, 1935, from the State of Illinois into the State of Missouri, of a quantity of candy which was adulterated and misbranded.

The article was labeled: "5¢ A Shot Not A Confection Not To Be Sold To Minors. [Designs: Man in tuxedo suit holding up piece of chocolate; a glass with liquor] Genuine Liquor Filled Chocolates A finger for a Nickel Real Tax Paid Whiskey. Blended under Government supervision. A product of Casterline Bros., 4541 Ravenswood Ave., Chicago. Pure Chocolate. The Economic Drink, Guaranteed Pure."

The article was alleged to be adulterated within the meaning of the act, in the case of confectionery, in that it contained spirituous liquor.

The article was alleged to be misbranded in that the statement "Not A Confection", borne on the label, was false and misleading, and in that by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article was not a confection; whereas in fact it was a confection. Misbranding of the article was alleged further in that it was food in package form and the quantity of the contents was not marked plainly and conspicuously, or at all, on the outside of the package.

On October 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $15 and costs.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25272. Adulteration and misbranding of candy. U. S. v. Cosmopolitan Candy Co., Inc. Plea of guilty. Fine, $25 and costs. (F. & D. no. 34020. Sample nos. 65036–A, 65330–A, 65331–A, 65332–A, 65333–A.)

This case was based on interstate shipments of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the weight of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cosmopolitan Candy Co., a corporation, Chicago, Ill., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about January 23, and February 6, 1934, from the State of Illinois into the States of Indiana and Michigan, of quantities of candy which was adulterated and misbranded. The article was labeled: "Cordials (Not A Confection) Twenty-four Pieces Made in U. S. A."

The article was alleged to be adulterated within the meaning of the act, in case of confectionery, in that it contained spirituous liquor.

The article was alleged to be misbranded in that the statement, "Not A Confection", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was not a confection, whereas in fact it was a confection. Misbranding was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "Twenty-four Pieces", borne on the package, did not give accurate information as to the quantity in terms of weight.

On November 25, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25273. Adulteration and misbranding of candy. U. S. v. Henry F. Schulze (Schulze Candy Co.). Plea of guilty. Fine, $25. (F. & D. no. 34021. Sample nos. 41229–A, 41230–A, 41231–A, 41232–A, 66851–A.)

This case was based on interstate shipments of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the weight of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry F. Schulze, trading as Schulze Canning Co., Oak Park, Ill., charging shipment by said defendant, in violation of the Food and Drug Act, on or about January 16 and March 2, 1934, from the State of Illinois into the States of Minnesota and New Mexico, of quantities of candy, which was adulterated and misbranded. The packages of the article in the first of the two consignments were labeled, variously, as follows: (One lot) "Napoleon Cordials 18 Pieces Cordial—Not a Confection. All government taxes have been paid on this merchandise"; (a second lot) "Chokicks Cordial (Not a Confection) Five Pieces, 25¢ Made in U. S. A. All government taxes have been paid on this merchandise"; (a third lot) "1 Lb. Net." The packages in a fourth lot of this consignment were unlabeled except a rose design on the lid of the package. The packages of the article in the second consignment were labeled as follows: (One lot) "Cordials Cordial (Not a Confection) Twenty-four Pieces Made in U. S. A."; (a second lot) "Chokicks Cordials Not a Confection Tower Products 629 W. Marquette Road Chicago Phone Normal 1086 Twenty-four Pieces Made in U. S. A."

The article in both of the consignments was alleged to be adulterated within the meaning of the act, in case of confectionery, in that it contained spirituous liquor.

The article in the first and second lots of the first consignment and in both of the lots of the second consignment was alleged to be misbranded in that the statement "Not a Confection", borne on the labels, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was not a confection; whereas in fact the article was a confection. Misbranding of the article in two consignments was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since a number of the packages (in the fourth and unlabeled lot of the first consignment) each bore no statement as to the quantity of the contents of the package, and the statement of the number of pieces in the labeled packages in the first and second lots of the first consignment and in both lots of the second consignment did not give accurate information as to the quantity in terms of weight.

On October 16, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25274. Adulteration and misbranding of candy. U. S. v. New Deal Wholesale Liquor Co. Plea of guilty. Fine, $25. (F. & D. no. 34023. Sample nos. 50541–A, 65334–A, 65335–A, 65336–A, 65337–A, 65338–A, 65339–A.)

This case was based on interstate shipments of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the weight of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an information against the New Deal Wholesale Liquor Co., a corporation, Forest Park, Ill., charging shipment by said corporation, in violation of the Food and Drug

Act, on or about February 1, 6, and 12, 1934, from the State of Illinois into the State of Ohio, and from the State of Ohio into the State of Illinois, of quantities of candy which was adulterated and misbranded. The packages of the article in the first of the three consignments were labeled, variously, as follows: (One lot) "All government taxes have been paid on this merchandise"; (on a card inside of package) "Bourbon Cordials (Not a Confection) 5¢ a Drink in a Chocolate Cup"; (a second lot) "Cordials 'Not a Confection' Fifteen Pieces Made in U. S. A."; (a third lot) "Assorted Flavors Creme De Menthe-Peach-Kummel Cordials 'Not a Confection' Twenty-four Pieces [or "Fifteen Pieces"] Made in U. S. A."; (a fourth lot) "Genuine Liquor Filled Chocolates Not a Confection Not to be Sold to Minors A Finger for A Nickel Real Tax Paid Whiskey [Designs: Glass containing liquor, man holding piece of chocolate candy] * * * Casterline Cordials." In a fifth lot of this consignment the packages, unlabeled, were accompanied by stickers to be placed thereon, each bearing the words and statements: "Chokicks Cordials Not a Confection Tower Products * * * Chicago." The packages of the article in the second and third consignments were labeled as follows: "Cordials (Not a Confection) Twenty-four Pieces Made in U. S. A."

The article in all three of the consignments was alleged to be adulterated within the meaning of the act, in the case of confectionery, in that it contained spirituous liquor.

The article in all three of the consignments was alleged to be misbranded in that the statement "Not a Confection", borne on the labels, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article was not a confection; whereas in fact the article was a confection. Misbranding of the article in all three of the consignments was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages bore no statement as to the quantity in weight, and the statement of the number of pieces in the packages in the second and third lots of the first consignment and in the second and third consignments did not give accurate information as to the quantity in terms of weight.

On October 16, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $25.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25275. Adulteration of butter. U. S. v. Walter J. McHenry (North Star Dairy). Plea of guilty. Fine of $50 suspended. (F. & D. no. 34033. Sample no. 71322–A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On June 11, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter J. McHenry, trading as North Star Dairy, Kalispell, Mont., charging shipment by said defendant, in violation of the Food and Drug Act, on or about May 23, 1934, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 31, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50 which was suspended, and the defendant was placed on probation for 1 year.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25276. Adulteration and misbranding of potatoes. U. S. v. Herman Hartwig. Plea of guilty. Fine, $5. (F. & D. no. 34042. Sample no. 65158–A.)

This case was based on an interstate shipment of potatoes which were of a grade inferior to that represented on the label.

On August 13, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed an information against Herman Hartwig, Peshtigo, Wis., charging shipment by said defendant in violation of the Food and Drugs Act, on or about May 5, 1935, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes which were adulterated and misbranded. The potatoes were contained in sacks each labeled: "U. S. No. 1 The Best of The Better Potatoes

Wisconsin Leader Quality Potatoes Herman Hartwig Peshtigo, Wis. 100 Lbs. Net When Packed."

The potatoes were alleged to be adulterated in that potatoes of a lower grade than United States grade No. 1 had been substituted wholly or in part for potatoes of said grade which the potatoes purported to be.

The potatoes were alleged to be misbranded in that the statement, "U. S. No. 1 * * * Potatoes", borne on the sacks, was false and misleading, and in that by reason of said statement the potatoes were labeled so as to deceive and mislead the purchaser, since the statement represented that the potatoes were United States grade No. 1 potatoes; whereas, in fact, they were of a grade lower than said grade.

On November 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of $5.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25277. Adulteration of butter. U. S. v. Henry L. Mickelson (Canton Creamery Co.). Plea of guilty. Fine, $25. (F. & D. no. 34043. Sample no. 7257–B.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On June 21, 1935, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry L. Mickelson, trading as the Canton Creamery Co., Canton, S. Dak., charging shipment by said defendant in violation of the Food and Drugs Act, on or about August 4, 1934, from the State of South Dakota into the State of New York, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On November 19, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25278. Adulteration of butter. U. S. v. John Morrell & Co. Plea of guilty. Fine, $50. (F. & D. no. 34044. Sample nos. 65747–A, 65749–A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On September 3, 1935, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Morrell & Co., a corporation, Sioux Falls, S. Dak., charging shipment by said defendant in violation of the Food and Drugs Act, on or about June 20, 1934, from the State of South Dakota into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 9, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25279. Adulteration of canned sardines. U. S. v. California Packing Corporation. Plea of guilty. Fine, $240. (F. & D. no. 34051. Sample nos. 12608–A, 41463–A, 41464–A, 41470–A, 41997–A, 56605–A, 61594–A, 61595–A, 61678–A, 61741–A, 62720–A, 72252–A, 72253–A, 72256–A, 72328–A.)

This case was based on interstate shipments of canned sardines which were found to be in part decomposed.

On July 12, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, San Francisco, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about October 2, 4, 5, 10, 23, and 25, and November 15, 1933, from the State of California into the States of South Dakota, Colorado, Utah, Texas, New York, Montana, and Pennsylvania, of quantities of canned sardines which were adulterated.

The article was labeled, variously, in part: "Del Monte Brand Quality California Sardines Tomato Sauce California Packing Corporation Main Office

San Francisco, Calif. U. S. A."; "Del Monte Brand Quality California Sardines Mustard California Packing Corporation Main Office San Francisco, Calif. U. S. A."; "Madison's Ideal Brand California Sardines Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A."; "Sun-Kist Brand California Sardines Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A."; "Argo Brand California Sardines In Tomato Sauce California Packing Corporation Main Office San Francisco, Calif. U. S. A."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On December 28, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $240.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25280. Adulteration and misbranding of rum and butter toffee. U. S. v. M. J. Holloway & Co. Plea of guilty. Fine, $20. (F. & D. no. 34052. Sample no. 6577–B.)

This case was based on an interstate shipment of an article described as rum and butter toffee, which contained artificial rum flavor and a fat other than butterfat, and the quantity of the contents of the package was not correctly stated.

On July 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against M. J. Holloway & Co., a corporation, Chicago, Ill., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about June 12, 1934, from the State of Illinois into the State of Connecticut of a quantity of an article, designated as "Holloway's Rum & Butter", which was adulterated. The article was labeled: "Holloway's 5 Lbs. Net Wgt. Rum & Butter Manufactured by M. J. Holloway & Co. Chicago."

The article was alleged to be adulterated in that a substance containing artificial rum flavor and a fat other than butterfat had been substituted for rum and butter toffee, a product flavored with natural rum flavor and prepared with butter as its source of fat, which the article purported to be. The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $20.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25281. Adulteration and misbranding of tomato paste and tomato puree, and misbranding of canned tomatoes. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, $25. (F. & D. no. 34055. Sample nos. 66522–A, 66523–A, 3976–B, 4122–B, 4124–B, 4125–B, 4187–B.)

This case involved canned tomatoes which were below standard and which were not labeled to indicate that fact, also canned tomato paste and tomato puree which were insufficiently concentrated.

On September 23, 1935, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Crystal Springs, Miss., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 22 and July 10, 1934, from the State of Mississippi into the State of Louisiana, of quantities of canned tomatoes which were misbranded; and on or about June 26, July 10, and July 11, 1934, from the State of Mississippi into the State of Louisiana, of quantities of tomato paste and tomato puree which were adulterated and misbranded. The articles were labeled in part, variously: "Orla Brand * * * Tomatoes Distributed by Uddo-Taormina Corporation"; "Conco Brand Tomato Paste * * * Packed for Consolidated Companies Inc. Plaquemine, La."; "Buffalo Brand Tomato Puree * * * Distributed by Uddo Taormina Corp. New Orleans, La."

The tomato paste and tomato puree were alleged to be adulterated in that insufficiently condensed, strained tomato products made in part from tomato trimmings had been substituted in whole or in part for tomato paste and tomato puree, which the articles purported to be.

Misbranding of the tomato paste and the tomato puree was alleged for the reason that the statements, "Tomato Paste", "Conserva Di Pomidoro", "Tomato Puree", and "Puree Di Pomidoro", borne on the labels, were false and

misleading and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted of tomato paste and tomato puree; whereas they did not so consist but did consist of insufficiently condensed, strained tomato products made in part from tomato trimmings. Misbranding of the tomato paste and tomato puree was alleged for the further reason that they were imitations of and were offered for sale under the distinctive names of other articles, namely, tomato paste and tomato puree.

Misbranding of the canned tomatoes was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since its color was not the naturally developed red of the mature red fruit of the tomato vine, as prescribed by said standard, and since it contained peel in excess of the maximum permitted by said standard, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On November 5, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25282. Adulteration of butter. U. S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Pleas of guilty. Fines, $75. (F. & D. no. 34077. Sample no. 11110–B.)

This case was based on a shipment of butter which contained less than 80 percent of milk fat.

On October 17, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1934, from the State of Oregon into the State of Washington of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On November 15, 1935, the defendants entered pleas of guilty and were fined $75.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25283. Adulteration of tomato pulp and tomato puree. U. S. v. Houston H. Craig (Lapel Canning Co.). Plea of guilty. Fine, $25. (F. & D. no. 34079. Sample nos. 19756–B to 19759–B, incl.)

This case was based on shipments of tomato pulp and tomato puree which contained an excessive amount of decomposed material.

On September 5, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Houston H. Craig, trading as the Lapel Canning Co., Lapel, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about October 22, October 25, November 2 and November 15, 1934, from the State of Indiana into the State of Ohio, of quantities of tomato pulp and tomato puree which were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On October 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25284. Adulteration of tomato puree. U. S. v. Barker Canning Corporation. Plea of guilty. Fine, $100. (F. & D. no. 34080. Sample nos. 24015–B to 24018–B, incl.)

This case was based on interstate shipments of tomato puree which was found to contain excessive mold.

On August 5, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Barker Canning Corporation, Barker, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 3, October 19, and November 7, 1934, from the State of New York into the State of Pennsylvania, of quantities of

canned tomato puree which was adulterated. A portion of the product was labeled: "Sylvia Brand Tomato Puree Packed for J. M. Thompson & Co., Inc. Philadelphia, Pa." A portion was labeled: "Barker Tomato Puree Barker Canning Corp. Barker, New York." The remainder of the product was unlabeled and was invoiced as tomato puree.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25285. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, $25. (F. & D. no. 34087. Sample no. 8167–B.)

The product in this case contained a smaller percentage of protein than declared on the label.

On July 2, 1935, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Ashdown, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 14, 1934, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "Tranco Brand 43% Protein Cottonseed Cake or Meal * * * Protein, not less than 43% * * * Manufactured By Transit Milling Co. Sherman, Texas—Galveston, Texas—Cairo, Illinois."

The article was alleged to be misbranded in that the statements, "43% Protein * * * Guaranteed Analysis Protein, not less than 43%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On November 11, 1935, a plea of guilty was entered on behalf of said defendant company, and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25286. Misbranding of barley feed. U. S. v. H. C. Knoke & Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 34091. Sample no. 8341–B.)

This product contained a smaller percentage of crude protein than declared on the label.

On July 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. C. Knoke & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 23, 1935, from the State of Illinois into the State of Maryland of a quantity of barley feed which was misbranded. The article was labeled in part: (Tag) "Barley Feed Guaranteed Analysis Crude Protein 14.00% * * * Manufactured by H. C. Knoke & Co. Chicago, Ill."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Crude Protein 14.00%", borne on the tags, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 14 percent of protein.

On October 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25287. Adulteration of frozen whole eggs. U. S. v. 345 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond for reconditioning. (F. & D. no. 34985. Sample no. 320–B.)

This case involved interstate shipments of frozen whole eggs which were found to be in part decomposed.

On January 22, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 345 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 26, 1934, and January 8, 1935, by the Washington Cooperative Egg & Poultry Association, from Seattle, Wash., and that it was adulterated in violation of the Food and

Drugs Act. The article was labeled in part: "Net Weight 30 lbs. Cooperative Poultry Producers, Portland, Oregon Whole Egg."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 19, 1935, the Washington Cooperative Egg & Poultry Association having appeared as claimant for the property and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be reconditioned under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25288. Adulteration and misbranding of tomato paste. U. S. v. 21 Cases of Tomato Paste. Default decree of destruction. (F. & D. no. 35497. Sample no. 23685–B.)

This case involved tomato paste which contained excessive mold. The article was labeled to convey the impression that it was of high quality, whereas it was not.

On May 21, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of tomato paste at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by the Notaro Bros. Canning Co., from Lawtons, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Tomato Paste * * * Notaro Bros. Canning Co., Lawtons, New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the following statements appearing on the can label and in a circular shipped with the article were false and misleading: (Can) "Page's canned products have been awarded the Gold Medal and Diploma from the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale from the Italian Government at Rome for their superior quality"; (circular) "The Gold Medal reproduced above was awarded to Page's Products in 1923 by the Esposizione Del Progresso Industriale, Roma and the Croce D'Onore al Merito Industriale by the Italian Government at Rome for their superior quality."

On October 28, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25289. Adulteration of imitation preserves. U. S. v. 254 Cases of Imitation Preserves. Default decree of condemnation and destruction. (F. & D. no. 35577. Sample no. 26214–B.)

This case involved imitation preserves which were found to contain excessive lead.

On May 31, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 254 cases, each containing 12 cans of imitation preserves, at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on or about October 10, 1934, by the Sanitary Food Manufacturing Co., from St. Paul, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Moon Imitation Cherry [or other flavor] Preserves Sanitary Food Mfg. Co. St. Paul, Minn."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25290. Adulteration of tomato puree and tomato catsup. U. S. v. 150 Cases of Tomato Puree and 39 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. nos. 35583, 35584. Sample nos. 26505–B, 26507–B.)

This case involved products which contained filth resulting from worm and insect infestation.

On May 29, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of tomato puree and 39 cases of tomato catsup at Missoula, Mont., alleging that the articles had been shipped in interstate commerce on or about April 5, 1935, by H. D. Olsen from North Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Woods Cross Brand Tomato Puree [or "Catsup"] * * * Packed by Woods Cross Canning Company, Woods Cross, Utah."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On November 27, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the products be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25291. Adulteration of canned spinach, canned turnip greens, and canned mustard greens. U. S. v. 39½ Cases of Canned Spinach, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 35588, 35801, 36111, 36112. Sample nos. 10288–B, 32233–B, 32606–B, 32607–B.)

These cases involved shipments of canned spinach and turnip and mustard greens, samples of which were found to contain worms and filth.

On June 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39½ cases of canned spinach at Chicago, Ill. On July 31, 1935, a libel was filed against 40 cases of canned turnip greens at Abilene, Tex. (amended to cover 58 cases), and on August 9, 1935, a libel was filed against 108 cases of canned turnip greens and 86 cases of canned mustard greens at Desloge, Mo. The libels alleged that the articles had been shipped in interstate commerce between the dates of January 2 and May 5, 1935, by the Litteral Canning Co., from Fayetteville, Ark., and that they were adulterated in violation of the Food and Drugs Act. Certain lots were labeled: "Sanders Brand Spinach [or "Lecano Brand Spinach" or "Lecano Brand Turnip Greens"] * * * Packed by Litteral Canning Co. Fayetteville, Ark." The remaining lots were labeled: "Liberty Turnip Greens [or "Mustard Greens"] * * * G. H. Wettereau & Sons Grocery Company St. Louis, Mo. * * * Branches Desloge, Mo. * * * Distributors."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On October 4, October 14, and November 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25292. Adulteration of canned tuna. U. S. v. 48 Cases and 24 Cases of Canned Tuna. Consent decree of condemnation. Product released under bond. (F. & D. no. 35619. Sample nos. 26793–B, 31627–B, 31628–B.)

This case involved a shipment of canned tuna which was in part decomposed.

On June 7, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned tuna at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 30, 1935, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Strand Brand California Light Meat Tuna * * * Cohn-Hopkins Inc. San Diego, Calif."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 18, 1935, Cohn-Hopkins, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25293. Adulteration of butter. U. S. v. 82 Cartons of Butter. Default decree of condemnation and destruction. (F. & D. no. 35661. Sample no. 28260–B.)

This case involved a shipment of butter, samples of which were found to contain mold.

On May 28, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cartons, each containing ten 1-pound rolls of butter, at Carbondale, Ill., alleging that the article had been transported in interstate commerce on or about May 24, 1935, by the Kroger Grocery & Baking Co., from Cape Girardeau, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Country Club Brand Roll Creamery Butter * * * Packed For The Kroger Grocery & Baking Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25294. Adulteration of tomato paste. U. S. v. 87 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35665. Sample no. 35784–B.)

This case involved a shipment of tomato paste that contained filth resulting from worm and insect infestation.

On June 28, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of tomato paste at Denver, Colo., consigned by F. E. Booth Co., Inc., Pittsburg, Calif., alleging that the article had been shipped in interstate commerce on or about May 29, 1935, from Pittsburg, Calif., into the State of Colorado and charging adulteration and violation of the Food and Drugs Act. The article was labeled in part: (Can) "Booth's Crescent Brand California Concentrated Tomato Paste * * * Packed by F. E. Booth Co. General Offices San Francisco, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 19, 1935, the case having been called and the sole intervenor having failed to appear, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25295. Adulteration of canned sardines. U. S. v. 225 Cases of Sardines. Consent decree of condemnation and destruction. (F. & D. no. 35702. Sample nos. 26679–B, 28125–B, 28220–B.)

This case involved a shipment of canned sardines which were in part decomposed.

On July 1, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of sardines at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 2, 1935, by the Del Mar Canning Corporation, from Monterey, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Haases Rabbit Brand California Sardines A C L Haase Co Distributors St Louis Mo."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1935, the claimant having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25296. Adulteration of imitation jam. U. S. v. 9 Cases of Imitation Jam. Default decree of condemnation and destruction. (F. & D. no. 35759. Sample no. 35788–B.)

This case involved a shipment of imitation jam that contained excessive lead.

On July 12, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of imitation jam at Glendive, Mont., alleging that the article had been shipped in interstate commerce on or about March 8, 1935, by Hewlett Bros. Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Berri-Best Brand Imitation * * * Jam * * * Hewlett Bros. Co. Salt Lake City, Utah."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25297. Adulteration and misbranding of macaroni. U. S. v. 27 Cases of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35777. Sample no. 42281–B.)

This case involved a shipment of macaroni which contained soybean flour.

On July 20, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 6 and 20, 1935, by Lincoln Macaroni Manufacturing Co., from Brooklyn, N. Y., and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "Lincoln Macaroni Made from Pure Semolina 20 Pounds Net Weight Manufactured by Lincoln Macaroni Mfg. Co. Brooklyn, N. Y."

The article was alleged to be adulterated in that an article containing soybean flour had been substituted for macaroni, which the product purported to be.

The article was alleged to be misbranded within section 8 of the act in that the statement on the label, "Macaroni Made from Pure Semolina", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing soybean flour.

On September 13, 1935, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25298. Adulteration of butter. U. S. v. 300 Tubs of Butter. Consent decree of condemnation. Portion of product released; remainder ordered destroyed or denatured. (F. & D. no. 35786. Sample nos. 37328–B, 37329–B.)

This case involved a shipment of butter, samples of which were found to contain filth.

On July 3, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 tubs of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1935, by A. F. Thibodeau Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On November 2, 1935, Thomas B. Archer, trading as the Archer Produce Co., Vinita, Okla., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be examined under the supervision of this Department and the portion containing filth destroyed or denatured and the portion fit for food released.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25299. Misbranding of canned peas. U. S. v. 30 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 35793. Sample no. 38966–B.)

This case involved a shipment of canned peas which were substandard and which were not labeled to indicate that fact.

On July 26, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 12 and January 17, 1935, by the Lange Canning Co., from Eau Claire, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Truax Brand Early June Peas * * * Packed by Lange Canning Co., Eau Claire, Wisconsin."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because the peas were not immature, and its package or

label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On October 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25300. Adulteration of tomato sauce. U. S. v. 500 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. & D. no. 35841. Sample no. 37943–B.)

This case involved a shipment of tomato sauce that contained filth resulting from worm infestation.

On August 2, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of tomato sauce at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 8, 1935, by the Sutter Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taste Tells Brand Tomato Sauce * * * Sutter Packing Company Palo Alto California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25301. Misbranding of graham crackers. U. S. v. Davidson Biscuit Co. Plea of guilty. Fine, $100 and costs. (F. & D. no. 35881. Sample nos. 71464–A, 102–B.)

The majority of the packages examined from this lot of graham crackers were found to contain less than 1 pound, the weight declared on the label. The labeling also conveyed the misleading impression that the product had been "sunalized", that it could be relied upon to furnish the correct amount of vitamin D and had been made with appreciable amounts of milk and honey.

On August 21, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Davidson Biscuit Co., a corporation, Mount Vernon, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended on or about June 13 and July 3, 1934, from the State of Illinois into the State of Colorado, of quantities of graham crackers which were misbranded. One lot of the product was labeled: "Tastyflake * * * Davidson Biscuit Company." The remaining lot was labeled: "All-Crisp * * * Illinois Distributing Co." Both lots were labeled: "Sunalized Graham Crackers * * * Made with Milk and Honey * * * Net Weight 1 Pound."

The article was alleged to be misbranded in that the statements, "Net Weight 1 Pound", and "Ultra Sunalized Tested and Approved Contains Certified Vitamin D Sunalized * * * containing just the right proportion of Vitamin D * * * Made with Milk and Honey", borne on the package label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages did not each contain 1 pound of the article but did contain in each of a large proportion of the packages examined less than 1 pound, it was not sunalized and ultra sunalized, tested and approved to contain certified vitamin D in just the right proportion since the correct amount of vitamin D required by an individual is dependent upon age, other sources of vitamin D in the diet, and other factors, and the article was not made with milk and honey since it contained but a very slight amount, if any, of milk and honey.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since each of a large number of the packages examined contained less than the amount declared.

On November 25, 1935, a plea of guilty was entered on behalf of defendant company and the court imposed a fine of $100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25302. Adulteration and misbranding of olive oil. U. S. v. Cosmos Food, Inc. Plea of guilty. Fine, $10. (F. & D. no. 35885. Sample nos. 6992–B, 6993–B.)

This product was labeled to convey the impression that it consisted of imported Italian olive oil. Examination showed that it consisted of peanut oil having the odor and taste of olive oil.

On September 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cosmos Food, Inc., Lynn, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 7, 1934, from the State of Massachusetts into the State of Connecticut, of a quantity of salad oil which was adulterated and misbranded. The article was labeled in part: "Superfine Olivol Pure Edible Oil * * * Joseph Petro Marca Registrata Brand * * * Cosmos Food, Inc. Importers, Lynn, Mass."

The article was alleged to be adulterated in that peanut oil had been substituted in large part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the statements, "Superfine Olivol", "Olio Puro Sopraffino", "Extra Quality Pure Olivol'", and "This superfine product is guaranteed absolutely pure and of the finest quality. Highly recommended for all general purposes for which olive oil is used", together with the designs and devices of foreign coins and olive branches, borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that it was composed wholly of olive oil, and that it was a foreign product, namely, olive oil produced in Italy; whereas it was a mixture composed in large part of peanut oil, and it was not an olive oil produced in Italy, but was a mixture composed in large part of peanut oil produced in the United States.

On October 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $10.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25303. Adulteration and misbranding of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, $50. (F. & D. no. 35888. Sample no. 71223–A.)

This case was based on a shipment of canned cherries samples of which were found to contain maggots. Examination further showed that the product was substandard because of the presence of excessive pits and that it was not labeled to indicate that it was substandard.

On August 31, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 9, 1934, from the State of Oregon into the State of Idaho of a quantity of canned cherries which were adulterated and misbranded. The article was labeled in part: (Can) "Porto Brand * * * Sour Pitted Cherries Packed In Water * * * Mason, Ehrman & Co Portland, Ore."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On October 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25304. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, $25. (F. & D. no. 35890. Sample nos. 8166–B, 27408–B, 27411–B.)

This case was based on shipments of cottonseed meal, a part of which contained less protein than declared on the label and the remainder of which was short in weight.

On August 6, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 29, November 14, and November 19, 1934, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal which was misbranded. A portion of the article was labeled: "Quapaw Brand Cottonseed Meal—Cake Guaranteed Analysis Protein 41.00% * * * Manufactured by Temple Cotton Oil Company, Little

Rock, Ark." The remainder was labeled in part: "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Chickasha Cotton Oil Co. Chickasha, Oklahoma Manufacturers of Cotton Seed Products."

The information charged that the Quapaw brand was misbranded in that the statement "Guaranteed Analysis Protein 41.00%", borne on the tag attached to the sacks containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 41 percent of protein, samples taken from the two shipments having been found to contain 38.50 percent and 38.38 percent of protein, respectively. Misbranding of the Chickasha Prime brand was alleged for the reason that the statement "Weight 100 Pounds Net", borne on the tag, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser since the sacks did not each contain 100 pounds net weight but did contain a less amount. Misbranding of the Chickasha Prime brand was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25305. Misbranding of bread. U. S. v. Continental Baking Co., Inc. (Perfection Bakery). Plea of guilty. Fine, $40. (F. & D. no. 35902. Sample nos. 47375–A, 47788–A, 47789–A, 1493–B.)

This case was based on interstate shipments of bread which was short in weight.

On September 10, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Baking Co., Inc., operating at Sacramento, Calif., under the name of the Perfection Bakery, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 31, May 21, and August 14, 1934, from the State of California into the State of Nevada, of quantities of bread which was misbranded. The article was labeled in part: "Sliced It's Slo-Baked * * * Wonder Cut Bread Continental Baking Company Weight 1½ Lbs. [or "Weight 1 Lb."]".

The article was alleged to be misbranded in that the statement "Weight 1½ Lbs.", with respect to a portion of the product, and the statement "Weight 1 Lb.", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the loaves examined contained less than the weight declared.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 9, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $40.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25306. Adulteration of tomato puree. U. S. v. Cicero Canning Co. Plea of guilty. Fine, $25. (F. & D. no. 35906. Sample nos. 22891–B, 22892–B, 31802–B, 31808–B.)

This case was based on interstate shipments of canned tomato puree that contained excessive mold.

On August 22, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cicero Canning Co., a corporation, Cicero, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 16, 1934, January 14, 1935, and January 28, 1935, from the State of Indiana into the State of Illinois, and on or about December 5, 1934, from the State of Indiana into the State of Wisconsin, of quantities of canned tomato puree which was adulterated. A portion of the article was labeled: "White City Brand Tomato Puree * * * Samuel Kunin & Sons, Inc., Distributors Chicago, Ill."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25307. Adulteration of tomato catsup. U. S. v. John S. Mitchell, Inc. Plea of guilty. Fine, $25. (F. & D. no. 35910. Sample no. 22817–B.)

This case was based on a shipment of tomato catsup that contained excessive mold.

On October 2, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John S. Mitchell, Inc., Windfall, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 26, 1934, from the State of Indiana into the State of Minnesota of a quantity of tomato catsup that was adulterated. The article was labeled in part: "Carol Brand Tomato Catsup Winston and Newell Co. Minneapolis."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 19, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25308. Adulteration of tomato puree. U. S. v. Noblesville Canning Co., Inc. Plea of guilty. Fine, $25. (F. & D. no. 35911. Sample nos. 28056–B, 28057–B.)

This case involved a shipment of canned tomato puree that contained excessive mold.

On October 2, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Noblesville Canning Co., Inc., a corporation, Noblesville, Ind., alleging shipment by said company under the name of the Dugger-Van Zant Packing Co., on or about October 12 and October 15, 1934, from the State of Indiana into the State of Missouri of a quantity of canned tomato puree which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25309. Adulteration of apple butter. U. S. v. Preserves & Honey, Inc. Plea of nolo contendere. Fine, $100 and costs. (F. & D. no. 35913. Sample no. 2452–B.)

This case was based on an interstate shipment of apple butter which contained mold and parts of insects.

On September 4, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Preserves & Honey, Inc., trading at St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 27, 1934, from the State of Missouri into the State of Illinois a quantity of apple butter which was adulterated. The article was labeled in part: "Shady Dell Brand Pure Apple-Butter * * * The Best-Clymer Co., St. Louis, Mo."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On November 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25310. Misbranding of canned cherries. U. S. v. National Fruit Canning Co. Plea of guilty. Fine, $300 and costs. (F. & D. no. 35916. Sample no. 647–B.)

This case was based on a shipment of canned cherries which were substandard because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On September 25, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Canning Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about March 1, 1935, from the

State of Washington into the State of Oregon of a quantity of canned cherries which were misbranded. The article was labeled in part: "Real Fruit Brand * * * Pitted Red Sour Cherries In Water Packed By National Fruit Canning Co. Seattle-Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 19, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $300 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25311. Adulteration of frozen eggs. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, $10. (F. & D. no. 35919. Sample no. 20684–B.)

This case involved frozen eggs which were in part decomposed.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Litchfield Produce Co., a corporation, Litchfield, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 7, 1934, from the State of Minnesota, into the State of New York of a quantity of frozen eggs which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25312. Adulteration of apples. U. S. v. George W. Haxton & Son, Inc. Plea of guilty. Fine, $50. (F. & D. no. 35920. Sample nos. 13762–B, 13763–B, 14459–B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On September 9, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George W. Haxton & Son, Inc., Oakfield, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 15, 1934, from the State of New York into the State of Massachusetts, and on or about September 29, 1934, from the State of New York into the State of Illinois of quantities of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious substances, namely, arsenic and lead, which might have rendered it injurious to health.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25313. Adulteration and misbranding of butter. U. S. v. George Freese's Sons Co. Plea of nolo contendere. Fine, $100 and costs. (F. & D. no. 35924. Sample nos. 2259–B, 2260–B, 2261–B.)

This case was based on a shipment of butter which was low in milk fat and was short in weight.

On September 20, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George Freese's Sons Co., a corporation, Fostoria, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 29, 1934, from the State of Ohio into the State of Michigan of quantities of butter which was adulterated and misbranded. The article was labeled, variously: "Fostoria's * * * Roll Butter Fostoria, Ohio 1 Lb. Net"; "Golden Valley Butter * * * Lloyd L. Lawless—Toledo, Ohio One Poung Net"; "Pure Creamery Butter * * * Fostoria, Ohio Fostoria Creamery Co. George Freese's Sons Co. Proprietors One Pound-Net." A portion of the article was in quarter-pound cubes labeled "¼ Lb. Net Weight", and a portion was in half-pound prints labeled "½ lb. Net Weight."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by law but was a product containing less than 80 percent by weight of milk fat. Misbranding was alleged for the further reason that the statements "1 Lb. Net", "One Pound Net", "¼ Lb. Net Weight", and "½ Lb. Net Weight", borne on the labeling, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser since each of the majority of the packages, prints, and cubes contained less than declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 9, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25314. Adulteration of tomato pulp. U. S. v. Fred L. Funderburg (Sweetser Canning Co.). Plea of guilty. Fine, $25. (F. & D. no. 35925. Sample nos. 25529–B to 25537–B, incl., 25539–B.)

This case was based on interstate shipments of tomato pulp which was decomposed.

On September 25, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred L. Funderburg, trading as the Sweetser Canning Co., Sweetser, Ind., charging shipment by said defendant in violation of the Food and Drug Act, on or about October 1, 13, 14, 16, and 21, 1934, from the State of Indiana into the State of Illinois, of quantities of tomato pulp which was adulterated.

It was alleged that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25315. Misbranding of cottonseed cake and meal. U. S. v. East St. Louis Cotton Oil Co. (Pine Bluff Cotton Oil Mill). Plea of guilty. Fine, $25. (F. & D. no. 35926. Sample nos. 27423–B, 33001–B to 33004–B, incl., 33008–B, 33009–B.)

This case was based on interstate shipments of cottonseed cake and meal that contained less protein than declared on the label.

On September 20, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the East St. Louis Cotton Oil Co., a corporation, trading as the Pine Bluff Cotton Oil Mill at Pine Bluff, Ark., alleging shipment by said company in violation of the Food and Drugs Act on or about January 24, February 14, February 16, and February 25, 1935, from the State of Arkansas into the State of Kansas, of quantities of cottonseed cake and meal which was misbranded. A portion of the article was labeled: "Chickasha Prime Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than 43.00 per cent." The remainder of the article was labeled: "Army Brand Prime Quality 43% Protein Cottonseed Cake and Meal Manufactured For Louis Tobian & Company Dallas, Texas Guaranteed Analysis: Crude Protein, not less than 43.00%."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43.00%", with respect to a portion of the product, and the statements, "43% Protein" and "Guaranteed Analysis: Crude Protein, not less than 43.00%", with respect to the remainder, borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since it did not contain 43 percent of protein but did contain a less amount.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25316. Adulteration of tomato puree. U. S. v. Holley Canning Co., Inc. Plea of guilty. Fine, $200. (F. & D. no. 35927. Sample no. 26050–B.)

This case was based on an interstate shipment of tomato puree that contained excessive mold.

On October 7, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Holley Canning Co., Inc., Holley, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 2, 1935, under the name of the Oswego Preserving Co., from the State of New York into the State of Massachusetts, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Oswego Brand * * * Tomato Puree Oswego Preserving Company Distributors Oswego, N. Y."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On November 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25317. Misbranding of cottonseed cake. U. S. v. Osceola Cotton Oil Co., Inc. Plea of guilty. Fine, $25. (F. & D. no. 35929. Sample no. 27410–B.)

This case was based on a shipment of cottonseed cake which contained less protein than declared on the label.

On August 28, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Osceola Cotton Oil Co., Inc., Osceola, Ark., alleging shipment by said company, under the name of the Choctaw Sales Co., in violation of the Food and Drugs Act, on or about November 7, 1934, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake that was misbranded. The article was labeled in part: "Guaranteed Analysis Protein, not less than—41% * * * Choctaw Sales Company * * * Kansas City, Missouri."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis Protein, not less than 41%", borne on the tags attached to the sacks containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not contain 41 percent of protein but did contain a lesser amount.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25318. Misbranding of compound vegetable oil. U. S. v. Eugenio Testa. Plea of guilty. Fine, $10. (F. & D. no. 35932. Sample no. 14530–B.)

This case was based on a shipment of a product which was represented to be a compound vegetable oil blended with Italian olive oil. Examination showed that it consisted of cottonseed oil containing practically no olive oil, and that the cans were short in volume.

On September 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugenio Testa, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about August 14, 1934, from the State of Massachusetts into the State of Vermont, of a quantity of compound vegetable oil which was misbranded. The article was labeled in part: "Net Contents One Gallon Extra Fine Quality Oil. La Gloriosa Brand * * * A Compound of High Grade Vegetable Oil Blended with Italian Olive Oil * * * Packed by G. S. Co."

The article was alleged to be misbranded in that the statement, "Net Contents One Gallon Extra Fine Quality Oil La Gloriosa Brand Specialty Bari A Compound of High Grade Vegetable Oil Blended with Italian Olive Oil * * * Olio Finissimo La Gloriosa Brand Premiato All' Esposizione Di Roma 1924", together with designs and devices of the Italian crown and figures in Roman costumes, borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that the cans contained 1 gallon of the article, that it was composed in part of olive oil and that it was produced in Italy; whereas the cans did not each contain 1 gallon of the article, but did contain a less amount, it was not com-

posed in part of olive oil, but was composed of cottonseed oil and it was not produced in Italy, but was a domestic product. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so and for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1935, the defendant entered a plea of guilty and the court imposed a fine of $10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25319. Adulteration of tomato puree and tomato catsup. U. S. v. Grover C. Hutcherson (Shirley Canning Co.). Plea of guilty. Fine, $25. (F. & D. no. 35935. Sample nos. 3375-B, 22823-B, 27861-B, 27958-B, 27973-B, 32944-B, 32945-B.)

This case covered tomato puree and tomato catsup that contained excessive mold.

On September 5, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Grover C. Hutcherson, trading as the Shirley Canning Co., Shirley, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 3, 1934, from the State of Indiana into the State of Nebraska, of a quantity of tomato puree; and on or about September 27, September 28, October 5, October 8, October 24, November 28, and December 21, 1934, from the State of Indiana into the States of Missouri, Minnesota, Tennessee, and Nebraska, of quantities of tomato catsup which products were adulterated. The articles were labeled in part, variously: "Marco * * * Tomato Puree H. A. Marr Grocery Co. Distributors * * * Omaha, Nebr."; "Shirley Brand Quality Supreme Catsup Packed By Shirley Canning Co. Shirley, Ind."; "Highland Brand Tomato Catsup * * * Packed By The G. S. Suppiger Co., Belleville, Ill."; "Polly Brand Catsup * * * H. P. Lau Co. Distributors Lincoln-Fremont Nebr."

The articles were alleged to be adulterated in that they consisted in part of decomposed vegetable substances.

On October 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25320. Adulteration of tomato puree. U. S. v. Rockfield Canning Co. Plea of guilty. Fine, $5. (F. & D. no. 35944. Sample no. 32986-B.)

This case was based on a shipment of tomato puree that contained excessive mold.

On September 5, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rockfield Canning Co., a corporation, Rockfield, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1935, from the State of Wisconsin into the State of Missouri, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Pallas * * * Tomato Puree Ridenour-Baker Grocery Co. Distributors Kansas City, Mo."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25321. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of guilty. Fine, $25. (F. & D. no. 35955. Sample no. 33011-B.)

This case was based on an interstate shipment of cottonseed meal that contained less crude protein than declared on the label.

On September 20, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the East St. Louis Cotton Oil Co., a corporation, trading as the Forrest City Cotton Oil Mill at Forrest City, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 28, 1935, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Army Brand Prime Quality 43% Protein Cottonseed

Cake and Meal Manufactured for Louis Tobian & Company Dallas, Texas Guaranteed Analysis: Crude Protein, not less than 43.00%."

The article was alleged to be misbranded in that the statements, "43% Protein * * * Guaranteed Analysis: Crude Protein, not less than 43.00%", borne on the tags attached to the sacks containing the articles, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since it contained less than 43 percent of protein, namely, not more than 40½ percent of protein.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25322. Adulteration and misbranding of wheat gray shorts. U. S. v. Ada Milling Co. Plea of guilty. Fine, $100. (F. & D. no. 35959. Sample nos. 10154–B, 10155–B.)

This case was based on a shipment of a product sold as wheat gray shorts, but which in fact consisted of wheat brown shorts containing crude fiber in excess of the amount declared on the label.

On November 11, 1935, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Ada Milling Co., a corporation, Ada, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 18 and May 1, 1935, from the State of Oklahoma into the State of Texas, of quantities of alleged wheat gray shorts which product was adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Grey Shorts Manufactured by Ada Milling Company, Ada, Oklahoma. Guaranteed Analysis: * * * Crude Fiber, not more than . . . . 5.50%."

The article was alleged to be adulterated in that wheat brown shorts had been substituted wholly for wheat gray shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Grey Shorts" and "Guaranteed Analysis: Crude Fiber not more than 5.50%", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted of wheat brown shorts and contained more than 5.50 percent of crude fiber.

On November 22, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25323. Adulteration of tomato puree. U. S. v. Joe Curtis Dunn (La Feria Canning Co.). Plea of guilty. Fine, $100 and costs. (F. & D. no. 35970. Sample no. 33091–B.)

This case was based on a shipment of tomato puree that contained excessive mold.

On October 3, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe Curtis Dunn, trading as the La Feria Canning Co., La Feria, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 24, 1935, from the State of Texas into the State of Oklahoma, of a quantity of tomato puree which was adulterated. The article was labeled in part: "Valley Red Brand * * * Tomato Puree * * * Packed By La Feria Canning Company, La Feria, Texas."

The article was alleged to be adulterated in that it consisted largely of a decomposed vegetable substance.

On December 2, 1935, the defendant entered a plea of guilty and the court imposed a fine of $100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25324. Adulteration of butter. U. S. v. Albert City Cooperative Creamery Association. Plea of guilty. Fine, $25 and costs. (F. & D. no. 35974. Sample nos. 33616–B, 33630–B.)

This case involved shipments of butter that contained less than 80 percent by weight of milk fat.

On September 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Albert City Cooperative Creamery Association, a corporation, Albert City, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 11 and June 19, 1935, from the State of Iowa into the State of Illinois, of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25325. Adulteration of tomato puree. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, $200. (F. & D. no. 36003. Sample nos. 11512–B, 28382–B, 28383–B, 28521–B, 36827–B, 36847–B, 36848–B, 38787–B.)

This case was based on interstate shipments of tomato puree that contained excessive mold.

On November 13, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at New Orleans, La., also at Donna, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 3, March 16, March 23, April 5, and April 10, 1935, from the State of Louisiana into the State of Alabama, on or about March 12, March 20, and April 2, 1935, from the State of Louisiana into the State of Texas, and on or about June 21, 1935, from the State of Texas into the State of Louisiana, of quantities of tomato puree which was adulterated. The article was labeled in part: "Buffalo Brand Tomato Puree * * * Packed by Uddo-Taormina Corp. New Orleans, La. Crystal Springs, Miss. Donna, Texas."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On December 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25326. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. no. 36004. Sample no. 31935–B.)

This case involved a shipment of apple butter that contained excessive lead and arsenic trioxide. It also contained hairs, fragments of insects, and other extraneous matter.

On September 20, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1935, from the State of Illinois into the State of Michigan, of a quantity of apple butter which was adulterated. The article was labeled in part: "Scully's Pure Apple Butter * * * Packed by D. B. Scully Syrup Co. Chicago, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, lead and arsenic trioxide, in amounts that might have rendered it injurious to health. Adulteration was alleged for the further reason that the article consisted largely of a filthy vegetable substance in that it contained rodent hairs, insect heads, small insects, a small insect fragment, and human hair.

On November 26, 1935, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25327. Adulteration of tomato puree. U. S. v. Rio Grande Valley Canning Co. Plea of guilty. Fine, $100 and costs. (F. & D. no. 36006. Sample nos. 32271–B, 32272–B, 32335–B, 32336–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On October 15, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rio Grande Valley Canning Co., a corporation, Edinburg, Tex., alleging shipment by said company in violation

of the Food and Drugs Act, on or about June 8, 1935, from the State of Texas into the State of Missouri, of quantities of tomato puree which was adulterated. A portion of the article was labeled: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co., Inc. McAllen Texas."

The remainder was labeled in part: "A and F Brand * * * Puree Packed. and shipped by Rio Grande Valley Canning Co. Edinburg, Texas."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25328. Adulteration of dressed poultry. U. S. v. Mark Judson Goodrich (M. J. Goodrich). Plea of guilty. Fine, $50 and costs. (F. & D. no. 36022. Sample no. 33550–B.)

This case was based upon a shipment of dressed poultry which was found to be in large part diseased and otherwise unfit for food.

On November 5, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mark Judson Goodrich, trading as M. J. Goodrich, Strawberry Point, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 7, 1935, from the State of Iowa into the State of Illinois, of a quantity of dressed poultry which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance and portions of animals unfit for food and was, in part, a product of diseased animals.

On December 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25329. Adulteration of apple butter. U. S. v. Allison-Bedford Co. Plea of guilty. Fine, $20 and costs. (F. & D. no. 36025. Sample nos. 33331–B, 33944–B.)

This case involved shipments of apple butter, samples of which were found to contain arsenic and lead in an amount that might have rendered the article injurious to health. Samples taken from one of the lots were found to contain parts of flies and other insects, rodent hairs, and a small amount of miscellaneous dirt.

On October 28, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Allison-Bedford Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 9, 1935, from the State of Illinois into the State of Wisconsin, and on or about June 21, 1935, from the State of Illinois into the State of Michigan, of quantities of apple butter that was adulterated. A portion of the article was labeled: "Apple-Butter Distributed-By O. R. Pieper Co. Milwaukee Wisc." The remainder was labeled: "Glencrest Pure Apple Butter * * * Allison-Bedford Co. Chicago, Ill."

Both lots of the article were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, namely, lead and arsenic in amounts which might have rendered them injurious to health. One lot was alleged to be adulterated for the further reason that it consisted in part of a filthy vegetable substance due to contamination with fly wings, insect heads, rodent hairs, and dirt.

On November 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $20.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25330. Adulteration and misbranding of malt sirup. U. S. v. 30½ Cases of Malt Syrup. Default decree of condemnation and destruction. (F. & D. no. 36126. Sample no. 32545–B.)

This product was adulterated and misbranded, since it was represented to be malt sirup; whereas it was not a malt product.

On August 10, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30½ cases of canned

malt sirup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 14 and July 12, 1935, by the Dextora Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pearl Brand Malt Syrup Hop Flavored * * * Exclusive Distributors L. Pearlstone St. Louis, Mo."

The article was alleged to be adulterated in that a nonmalt product had been mixed and packed therewith so as to reduce and lower its quality and has been substituted for malt sirup, and for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "malt syrup", borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article.

On October 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25331. Adulteration and misbranding of alleged olive oil. U. S. v. 1 Drum of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 36138. Sample no. 22082–B.)

This case involved a product which was labeled as Italian olive oil, but which in fact consisted essentially of cottonseed oil with some olive oil present.

On August 16, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of alleged olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 17, 1935, by the Venice Importing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Drum) "Italian Olive Oil Filippo Berio * * * Lucca * * * Vic Brooklyn, N. Y."

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Olive Oil Filippo Berio" and "Lucca", were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was essentially domestic cottonseed oil; for the further reason that it was offered for sale under the distinctive name of another article, namely, "Italian Olive Oil"; and for the further reason that it purported to be a foreign product, whereas it was essentially domestic cottonseed oil.

On October 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25332. Adulteration of tomato catsup. U. S. v. 198 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 36155. Sample no. 37664–B.)

This case involved an interstate shipment of tomato catsup which was found to contain worm and insect debris.

On August 17, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of tomato catsup at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 13, 1935, by Stokely Bros. & Co., from Oakland, Calif., to Tacoma, Wash., and thence reshipped in interstate commerce on or about August 2, 1935, to San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Highway Brand Tomato Catsup * * * Packed for Western States Grocery Co. Inc. Seattle, Portland, Oakland."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 13, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25333. Misbranding of canned tomatoes. U. S. v. 108 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 36201. Sample no. 28155–B.)

This case involved a shipment of canned tomatoes which were substandard and which were not labeled to indicate that fact.

On August 22, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of canned tomatoes at Litchfield, Ill., alleging that the article had been shipped in interstate commerce on or about July 3, 1935, by the Pilkington Brokerage Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Farmers Brand Tomatoes * * * A Product of J. Leroy Farmer, Packers and Distributors, Cedar Rapids, Iowa."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On December 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization, but that before its use it be labeled with the substandard legend.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25334. Adulteration of canned spinach. U. S. v. 1,090 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. & D. no. 36204. Sample nos. 19547–B, 19548–B.)

This case involved a shipment of canned spinach which was in part decomposed.

On August 21, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,090 cases of canned spinach at Dayton, Ohio, consigned on or about July 8 and July 19, 1935, alleging that the article had been shipped in interstate commerce by the Clamme Canning Co., from Hartford City, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Honeygrove Spinach * * * White Villa Grocers Inc. Distributors, Cincinnati Dayton, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25335. Adulteration of canned salmon. U. S. v. 348 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36246. Sample nos. 38041–B, 38052–B.)

This case involved a shipment of canned salmon which was in part decomposed.

On August 30, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 348 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4, 1935, by the Sebastian-Stuart Fisheries [Fish] Co., from Tyee, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1935, the Sebastian-Stuart Fish Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with law under the supervision of this Department.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25336. Adulteration of cocktail sauce. U. S. v. 80 Cases and 329 Cases of Cocktail Sauce. Decrees of condemnation and destruction. (F. & D. nos. 36250, 36275. Sample nos. 35838–B, 45929–B.)

These cases involved shipments of cocktail sauce that contained excessive mold.

On September 5 and September 6, 1935, the United States attorneys for the Northern District of California and for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 329 cases of cocktail sauce at San Francisco, Calif., and 80 cases of cocktail sauce at Denver, Colo., consigned by the Snider Packing Corporation, of Rochester, N. Y., alleging that the article had been shipped in interstate commerce in part on or about February 13, 1935, from Albion, N. Y., and in part on or about July 6, 1935, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Snider Cocktail Sauce * * * Snider Packing Corporation, General Office Rochester, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 15 and October 19, 1935, the claimant for the lot seized in the District of Colorado having consented to its destruction and no claim having been entered for the product seized at San Francisco, Calif., judgments of condemnation were entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25337. Adulteration of frozen chickens. U. S. v. 4 Barrels of Frozen Chickens. Default decree of condemnation and destruction. (F. & D. no. 36253. Sample no. 39933–B.)

This action involved a shipment of frozen chickens which were in part decomposed and diseased.

On August 31, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four barrels of frozen chickens at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19, 1935, by the S. K. Produce Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance and in that it was the product of diseased animals.

On October 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25338. Adulteration of frozen eggs. U. S. v. 144 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be destroyed or denatured. (F. & D. no. 36286. Sample no. 30572.)

This case involved a shipment of frozen eggs which were in part decomposed.

On September 9, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 1, 1935, by the Parsons Poultry & Egg Co., from Parsons, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed or putrid animal substance.

On October 11, 1935, Swift & Co., New York, N. Y., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed or denatured under the supervision of this Department.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25339. Adulteration of currants. U. S. v. 8 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 36301. Sample nos. 33726–B, 33738–B.)

The currants involved in this action were contaminated with arsenic and lead.

On August 1, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, by Ben Litowich, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "August Weber R–3 Berrien Springs Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25340. Adulteration of apples. U. S. v. 54 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 36320. Sample nos. 44518–B, 44520–B.)

Examination of the apples involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On July 24, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by Raymond Huff, from Mullica Hill, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25341. Adulteration of canned salmon. U. S. v. 5,023 Cases, et al., of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 36315, 36357, 36476. Sample nos. 26560–B, 31393–B, 31398–B, 31400–B, 37580–B, 38085–B, 38087–B, 38088–B, 38095–B, 40529–B, 40562–B, 40802–B, 40803–B.)

These cases involved canned salmon which was in part decomposed.

On September 11, September 17, and October 14, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9,522 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Berg Packing Co., from Ketchikan, Alaska; that two shipments had arrived at Seattle, Wash., on or about August 7 and August 19, 1935, respectively; that the remaining two shipments had been made from Ketchikan, Alaska, on or about August 15 and August 19, 1935, respectively, and that the article was adulterated in violation of the Food and Drugs Act.

The libels charged adulteration of a portion of the article in that it consisted in whole or in part of a decomposed animal substance and of the remainder in that it consisted in whole or in part of a decomposed and putrid animal substance.

On September 17, September 21, and October 22, 1935, the Berg Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and that it be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25342. Adulteration of canned salmon. U. S. v. 527 Cases of Chum Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36338. Sample nos. 38062–B, 38093–B, 40527–B.)

This case involved an interstate shipment of canned salmon which was found to be in part decomposed.

On September 14, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 527 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 3, 1935, by the First Bank of Cordova for the account of W. G. Scott, or Scotty Packing Co., from Cordova, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 6, 1935, W. G. Scott having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated under the supervision of this Department and destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25343. Adulteration of canned salmon. U. S. v. 666 Cases, et al., of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 36366, 36447. Sample nos. 40533–B, 40540–B, 40543–B to 40547–B, incl., 40553–B, 40555–B to 40560–B, incl., 40563–B, 40564–B, 40565–B, 40570–B, 40906–B.)

These cases involved canned salmon, samples of which were found to be decomposed.

On September 20 and September 30, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10,942 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Lowe Trading Co., from Seward, Alaska, arriving at Seattle, Wash., on or about August 17, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

On December 23, 1935, the cases having been consolidated and the Lowe Trading Co., claimant, having admitted the allegations of libels and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25344. Adulteration of cherries. U. S. v. 10 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36380. Sample no. 33844–B.)

The cherries in this case were found to be contaminated with arsenic and lead.

On August 14, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1935, by Thos. Dougherty, from Ganges, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Thos. Dougherty Fennville, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25345. Adulteration of cherries. U. S. 4 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36381. Sample no. 33853–B.)

The cherries involved in this action were found to be contaminated with arsenic and lead.

On August 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 11, 1935, by Lyman Bros., from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lyman Bros. South Haven, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25346. Adulteration of cherries. U. S. v. 14 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36382. Sample no. 33858–B.)

The cherries involved in this action were contaminated with arsenic and lead.

On August 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1935, by Fox & Godding, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. L. Willmeng R–2 Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25347. Adulteration of butter. U. S. v. 24 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36384. Sample no. 30564–B.)

This case involved butter that contained mold.

On August 27, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed animal substance.

On October 2, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25348. Adulteration of butter. U. S. v. 20 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36385. Sample no. 30567–B.)

This case involved butter samples of which were found to contain mold.

On August 27, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the Chesapeake Creameries, Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of filthy, decomposed, or putrid animal substance.

On October 2, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25349. Adulteration of butter. U. S. v. 18 Cartons and 17 Cartons of Butter. Default decrees of condemnation. Product ordered sold as inedible grease. (F. & D. nos. 36389, 36390. Sample nos. 31081–B, 31086–B.)

These cases involved butter that contained mold.

On August 23 and August 27, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 cartons of butter at Wilkes-Barre, Pa., alleging that the articles had been shipped in interstate commerce on or about July 30, August 6, and August 16, 1935, by the H. C. Christians Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clover Land Brand Country Roll."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On January 3 and January 10, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the identity of the product be destroyed by melting and mixing it with other greases and that it be sold by the United States marshal for purposes other than for human consumption.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25350. Adulteration of butter. U. S. v. 66 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. no. 36395. Sample no. 37477–B.)

This case involved butter that contained filth.

On September 5, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 boxes of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 29, 1935, by the Jackson Center Creamery Co., from Jackson Center, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious Brand Creamery Butter * * * Oswald & Hess Co., Pittsburgh, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On October 26, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25351. Adulteration of canned salmon. U. S. v. 2,438 Cases, et al., of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 36420, 36428, 36434, 36439. Sample nos. 40579–B, 40580–B, 40585–B, 40586–B, 40591–B, 40592–B, 40593–B, 40594–B, 40879–B, 40887–B, 40890–B, 40892–B, 40894–B, 40896–B, 40897–B, 40898–B.)

These cases involved canned salmon which was in part decomposed.

On September 23 and September 25, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30,898 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Alaska Southern Packing Co., from Kupreanof Harbor, Alaska, arriving at Seattle, Wash., on or about August 31, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The Alaska Southern Packing Co. appeared as claimant, admitted the allegations of the libels, and consented to the entry of a decree. On November 15, 1935, a consolidated judgment was entered condemning the product but providing that it might be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25352. Misbranding of beer. U. S. v. 150 Cases of Beer. Default decree of condemnation and destruction. (F. & D. nos. 36430, 36431, 36432. Sample no. 47160–B.)

This case involved an interstate shipment of beer that contained less alcohol than declared on the label.

On September 25, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of beer at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 18, 1935, by the J. G. [B.] Margolies Liquor Co., from East St. Louis, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "America's Favorite Local High Eight Percent select Lager Beer * * * Manhattan Brewing Company, Chicago, Illinois."

The article was alleged to be misbranded in that the statement "High Eight Percent", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 4.53 percent of alcohol by volume.

On November 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25353. Adulteration of tomato catsup. U. S. v. 30 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. no. 36449. Sample no. 38651–B.)

This case involved a shipment of catsup that contained filth resulting from worm infestation.

On October 2, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of catsup at Denver, Colo., consigned by Reid, Murdoch & Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 15, 1935, from the State of Illinois into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monarch Tomato Catsup * * * Reid, Murdoch & Co. Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25354. Adulteration of tomato paste. U. S. v. 210 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36452. Sample no. 49679–B.)

This action involved canned tomato paste that contained filth resulting from worm infestation.

On October 3, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 210 cases of canned tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by the California Conserving Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "California Home Brand Tomato Paste * * * Made by California Conserving Co. Incorporated San Francisco."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25355. Adulteration of Spanish sauce. U. S. v. 100 Cases of Spanish Sauce. Default decree of condemnation and destruction. (F. & D. no. 36455. Sample no. 28428–B.)

This case involved Spanish sauce that contained filth resulting from worm infestation.

On October 4, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of Spanish

sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 7, 1935, by the Independent Grocers Alliance Distributors, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "IGA Brand Spanish Style Sauce * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 11, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25356. Adulteration of canned salmon. U. S. v. 3,901 Cartons of Canned Salmon, and other cases. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 36464, 36469, 36537. Sample nos. 37579–B, 37594–B, 37859–B, 37866–B, 37870–B, 37876–B, 53609–B.)

These cases involved canned salmon which was in part decomposed.

On October 7, October 10, and October 23, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12,412 cartons and cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments on or about August 3, August 19, and September 4, 1935, by the Wrangell Packing Co., from Wrangell, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substance.

On October 10, October 16, and October 28, 1935, the Wrangell Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25357. Adulteration of canned salmon. U. S. v. 4,070 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36468. Sample nos. 37578–B, 37864–B.)

This case involved canned salmon which was in part decomposed.

On October 9, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,070 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 16, 1935, by the Annette Island Canning Co., from Metlakatla, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 29, 1935, the Annette Island Canning Co., claimant, having admitted the allegation of the libel and having consented to entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25358. Adulteration of frozen eggs. U. S. v. 221 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36471. Sample no. 30578–B.)

This case involved frozen whole eggs which were in part decomposed.

On October 14, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 221 cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 9, 1935, by W. W. Butler, Inc., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 18, 1935, W. W. Butler, Inc., claimant, having admitted the allegations in the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed or denatured.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25359. Adulteration of frozen raspberries. U. S. v. 8 Barrels of Frozen Raspberries. Default decree of condemnation and destruction. (F. & D. no. 36474. Sample nos. 15598–B, 16087–B.)

This case involved frozen raspberries which were in part decomposed.

On October 11, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight barrels of frozen raspberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1935, by S. A. Moffett Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "AM Pkg. Co. Everett, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25360. Adulteration of Vinga-Sill [herring in sauce]. U. S. v. 3 Cases of Vinga-Sill. Default decree of condemnation and destruction. (F. & D. no. 36475. Sample no. 42232–B.)

This case involved canned fish which was undergoing decomposition.

On October 15, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of Vinga-Sill [herring in sauce] at New York, N. Y., alleging that the article had been shipped from Sjobol, Lyse, Sweden, by Oscar H. Olsson, arriving at New York on or about October 4, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Special Vinga-Sill 'Brofjordens' * * * Made in Sweden * * * Oscar H. Olsson Sjobol, Lyse."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25361. Adulteration of apples. U. S. v. 20 Bushels of Apples. Default decree of condemnation. Product delivered to charitable institution, on condition that deleterious substances be removed. (F. & D. no. 36490. Sample no. 32379–B.)

This case involved apples which were contaminated with arsenic- and lead-spray residue.

On September 9, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about September 4, 1935, by Jeff D. Brown, from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution on condition that it be pared to remove the spray residue before being used.

R. G. TUGWELL, *Acting Secretary of Agriculture*

25362. Adulteration of apples. U. S. v. 84 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36496. Sample no. 33764–B.)

This case involved apples which were contaminated with lead.

On September 30, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel (subsequently amended) praying seizure and condemnation of 84 bushels of apples at New Carlisle, Ohio, consigned September 28, 1935, alleging that the article had been shipped in interstate commerce by Charles Bodiker, from Riverside, Mich., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Seek-No-Further Apples, A. H. Chabot, Riverside, Mich." A portion was labeled: "Grimes L. Chabot, Coloma, Mich." The remainder was unlabeled.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious substance, lead, which might have rendered it harmful to health.

On November 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25363. Adulteration of butter. U. S. v. 7 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 36510. Sample no. 41582–B.)

This action involved butter that contained mold.

On September 25, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by Armour Creameries, from Fort Worth, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On October 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25364. Adulteration of butter. U. S. v. 158 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 36511. Sample no. 30576–B.)

This action involved a shipment of butter that contained less than 80 percent of milk fat.

On September 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 158 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 17, 1935, by the Sheldon Creamery Co., from Sheldon, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On October 3, 1935, the Sheldon Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

R. G. Tugwell, *Acting Secretary of Agriculture.*

25365. Misbranding of Vegi-Lax. U. S. v. 14 Cartons of Vegi-Lax. Default decree of condemnation and destruction. (F. & D. no. 36519. Sample no. 47129–B.)

This action involved a product sold as an ingredient to be added to the customary ingredients used in making bread and represented to be effective in imparting a laxative effect to such bread. Examination showed that when used according to directions it would impart to such bread no appreciable laxative effect

On October 15, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cartons of Vegi-Lax at Macomb, Ill., alleging that the article had been shipped in interstate commerce on or about July 26, 1935, by Bakers Research Corporation, from St. Louis, Mo.,

and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bakes 200 Loaves Vegi-Lax For Ownen's Original Laxative Bread."

The article was alleged to be misbranded in that the statement on the label, "Vegi-Lax For Ownen's Original Laxative Bread", was false and fraudulent, since the article, when used as directed on the label in baking 200 loaves of bread of ordinary size, would impart to such bread no appreciable laxative effect.

On December 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25366. Misbranding of beer. U. S. v. 1,388 Cases of Beer. Product released under bond. (F. & D. no. 36523. Sample no. 28458–B.)

This case involved beer containing 4.33 percent of alcohol, which was labeled to convey the impression that it contained 6 percent of alcohol.

On October 22, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,388 cases of beer at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 9 and 10, 1935, by the American Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle): "Regal Beer Regal Lager * * * American Brewing Co., New Orleans." The neckband bore the statement, "Contents Not More Than 6% Alcohol By Volume", the phrase "6%" being in prominent and large type and the remainder of the statement being in small inconspicuous type.

The article was alleged to be misbranded in that the statement on the neckband of the bottle, "Contents Not More Than 6% Alcohol By Volume", was misleading and tended to mislead the purchaser.

On November 14, 1935, the Regal Beer Co., Houston, Tex., having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25367. Misbranding of beer. U. S. v. 600 Cases of Beer. Product adjudged misbranded and released under bond. (F. & D. no. 36525. Sample no. 28460–B.)

This case involved a shipment of beer containing 4.97 percent of alcohol which was labeled to convey the impression that it was high-test beer containing 6 percent of alcohol.

On October 22, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of beer at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by the Dixie Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Does Not Contain More Than 6 Per Centum of Alcohol by Volume * * * Dixie Hi-Test Beer * * * Merz Products Co., Inc. New Orleans, La."

The article was alleged to be misbranded in that the statement on the bottle label, "Does Not Contain More Than 6 Per Centum of Alcohol by Volume * * * Hi-Test Beer", was misleading and tended to mislead the purchaser.

On October 29, 1935, the Dixie Brewing Co. having appeared as claimant for the property and having admitted the allegations of the libels, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25368. Adulteration of tomato puree. U. S. v. 42½ Cases of Tomato Puree, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36526, 36530, 36534. Sample nos. 45157–B, 45158–B, 45160–B.)

These cases involved canned tomato puree that contained excessive mold.

On October 19, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 42½ cases of tomato puree at Cincinnati, Ohio. On October 21, 1935, libels were filed against 74½ cases of canned tomato puree at Covington, Ky., and 33¾ cases of the product at Newport, Ky. The products were shipped in interstate commerce in various shipments on or about September 6, October 3, and October 8, 1935, by the Preston Rider Packing Co., Campbellsburg, Ind. It was alleged in the libels that the article had been shipped in interstate commerce from Campbellsburg, Ind., in part, into the State of Ohio and in part, into the State of Kentucky, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rider's Best Tomato Puree Preston Rider Packing Company Campbellsburg, Indiana."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 21 and December 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25369. Misbranding of tomato paste. U. S. v. 149 Cases of Tomato Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36528. Sample no. 43751–B.)

This case involved tomato paste of domestic origin which was labeled to convey the impression that it was of Italian origin.

On October 21, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 1, 1935, by the Flotill Products Co., from Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Boston I Stores Brand Pure Tomato Paste With Basil Packed for Boston I Stores Boston, Mass."

The article was alleged to be misbranded in that the design of the map of Italy appearing on the main panels of the label, coupled with the statement in Italian, "Pura Salsa di Pomidoro Con Basilico" was misleading and tended to mislead the purchaser when applied to a product which was not made in Italy.

On November 22, 1935, the Boston Italian Grocery Co., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25370. Adulteration of canned salmon. U. S. v. 5,462 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36538. Sample nos. 26569–B, 37892–B.)

This case involved canned salmon which was in part decomposed.

On October 23, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5,462 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 9, 1935, by the Independent Salmon Canneries, Inc., from Ketchikan, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 29, 1935, the Independent Salmon Canneries, Inc., claimant, having admitted the allegations of libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25371. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36576. Sample no. 47411–B.)

This case involved apples that were contaminated with arsenic and lead.

On October 8, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 12 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 29, 1935, by Anton Yancich, from Watervliet, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Anton Yancich, R 1, Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1935, no claimant having appeared, judgment of condemnation was rendered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25372. Adulteration of apples. U. S. v. 10 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36579. Sample no. 47445–B.)

This case involved apples which were contaminated with arsenic and lead.

On October 8, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by John Warsko, from Watervliet, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "John Warsko, R–2, Watervliet, Michigan, Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On November 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25373. Adulteration of apples. U. S. v. 48 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36580. Sample no. 48002–B.)

This case involved apples which were contaminated with arsenic and lead.

On September 28, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about September 23, 1935, by L. C. Abot, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delicious, L. C. Abot, Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25374. Adulteration of apples. U. S. v. 62 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36581. Sample no. 48007–B.)

This case involved apples which were contaminated with arsenic and lead.

On September 28, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about September 7, 1935, by Cohen & Gordon, Murphysboro, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "James M. Etherton, Carbondale, Ills."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 15, 1935, no claimant had appeared and judgment of condemnation was entered. It was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25375. Adulteration of apples. U. S. v. 51 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. no. 36582. Sample no. 47085–B.)

This case involved apples which were contaminated with arsenic and lead.

On October 3, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1935, by J. B. Russell, from Golden Eagle, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. B. Russell, Golden Eagle, Ill."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 11, 1935, the claimant having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be destroyed.

R. G. Tugwell, *Acting Secretary of Agriculture.*

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